



भारत का राजपत्र The Gazette of India

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No. 11] NEW DELHI, SATURDAY, MARCH 12, 1988/PHALGUNA 22, 1909

इस भाग में भिन्न गूँठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए विधिगत आदेश और अधिसूचनाएं
Ministries of the Government of India (other than Statutory Orders and Notifications issued by the
Ministry of Defence)

विधि और न्याय मंत्रालय

MINISTRY OF LAW AND JUSTICE

(विधि कार्य विभाग)

(Department of Legal Affairs)

नई दिल्ली, 12 फरवरी, 1988

New Delhi, the 12th February, 1988

सूचनाएं

NOTICES

का. आ. 503 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अर्जुन एन. खुर्पे अधिवक्ता 680 ताबुत स्ट्रीट पुणे-I ने उक्त प्राधिकारी को उक्त नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पुणे कन्डोमेन्ट एरिया में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

S.O. 503—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Arjun N. Khurpe 680, Tabut Street, Pune-1 for appointment as a Notary to practise in Pune cononmert Area.

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

2 Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[सं. 5 (9)/88-न्या.]

[No. F. 5(9)/88-Judl.]

का. आ. 504 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुरेश शिवराम, बरेंटी, वकील ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पणे व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (8)/88 न्या.]

S.O. 504.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Suresh Shivram Borate Advocate, Pune-411042 for appointment as a Notary to practise in Pune.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(8)/88-Judl.]

का. आ. 505 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जनक राज शर्मा, अधिवक्ता, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अम्बाला व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (10)/88 —न्या.]

आर. एन. पोद्दार, सक्षम प्राधिकारी

S.O. 505.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Janak Raj Sharma, Advocate, for appointment as a Notary to practise in Ambala City.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(10)/88-Judl.]

R. N. PODDAR, Competent Authority

कार्मिक और लोक शिकायत तथा गैर न्यायिक

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली 19 फरवरी, 1988

का. आ. 506 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976

के नियम 10 के उप नियम (4) के अनुसरण में एतद्वारा केन्द्रीय अंग्रेजी ब्यूरो के निम्नलिखित शाखा कार्यालयों को, जिनके 80 प्रतिशत से अधिक स्टाफ ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, ए सी यू-4 नई दिल्ली।
2. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, ए सी यू-6, नई दिल्ली।
3. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, ए सी यू-7, नई दिल्ली।
4. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, ए सी यू-8, नई दिल्ली।
5. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय ए.आई. यू.-12, नई दिल्ली।
6. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, ए.आई. सी. 2 नई दिल्ली।
7. उप निदेशक (समन्वय) का कार्यालय, समन्वय प्रभाग, केन्द्रीय अन्वेषण ब्यूरो, नई दिल्ली।
8. केन्द्रीय न्याय बंधक विज्ञान प्रयोगशाला, केन्द्रीय अन्वेषण ब्यूरो, नई दिल्ली।
9. पुलिस अधीक्षक, केन्द्रीय अन्वेषण ब्यूरो का कार्यालय, जोधपुर शाखा, जोधपुर।

[सं. 11011/2/88-हिन्दी]

श्रीमती रेणुका मेहरा, उपसचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 19th February, 1988

S.O. 506.—In pursuance of the Sub-Rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following Branch Offices of the Central Bureau of Investigation, more than 80 per cent of the staff whereof have acquired the working knowledge of Hindi :—

1. Office of the Supdt. of Police, CBI, ACU-4, New Delhi.
2. Office of the Supdt. of Police, CBI, ACU-6, New Delhi.
3. Office of the Supdt. of Police, CBI, ACU-7, New Delhi.
4. Office of the Supdt. of Police, CBI, ACU-8, New Delhi.
5. Office of the Supdt. of Police, CBI, SIU-12, New Delhi.
6. Office of the Supdt. of Police, CBI, SIU-2, New Delhi.
7. Office of the Dy. Director (Coordination), Coordination Division, CBI, New Delhi.

8. Central Forensic Science Laboratory, CBI, New Delhi.

9. Office of the Supdt. of Police, CBI, Jodhpur Branch, Jodhpur.

[No. 11011/2]88-Hindi]

SMT. RENUKA MEHRA, Dy. Secy.

वार्णिष्य मन्त्रालय

नई दिल्ली, 23 फरवरी, 1988

का.आ. 507 :—केन्द्रीय सरकार, निर्यात (क्वलिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अबरक निर्यात (निरीक्षण) नियम 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम अबरक निर्यात (निरीक्षण) संशोधन नियम, 1988 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अबरक निर्यात (निरीक्षण) नियम, 1969 के नियम 6 में "एफ.ए.एस. (षाट तक निःशुल्क) मूल्य" अक्षरों, कोष्ठकों और शब्दों के स्थान पर "एफ.ओ.बी. (पोत-पर्यन्त निःशुल्क) मूल्य" अक्षर, कोष्ठक और शब्द रखे जाएंगे।

टिप्पण :—मूल नियम का.आ. 268, तारीख 16 जनवरी, 1969 द्वारा अधिसूचित किए गए थे और तत्पश्चात् उनका का.आ. 563; तारीख 8 मार्च, 1980 द्वारा संशोधन किया गया।

[फाईल सं. 6(12)/87-ईआई एंड ईपी]

एन.एस. हरिहरन, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 23rd February, 1988

S.O. 507.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Mica (Inspection) Rules, 1969, namely :—

1. (1) These rules may be called the Exports of Mica (Inspection) Amendment Rules, 1988.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Export of Mica (Inspection) Rules, 1969, in rule 6, for the letters, brackets and words "FAS (Free alongside value)" the letter, brackets and words "F. O. B. (Free on Board) value"; shall be substituted.

Note :—The principal rules were notified vide S.O. 268 dated the 16th January, 1969 and subsequently amended vide No. S.O. 563 dated the 8th March, 1980.

[No. 6(12)/87-EI & EP]

N. S. HARIHARAN, Director

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 2 फरवरी, 1988

का.आ. 508 :—मैगर्स दी इंडियन स्टील एण्ड वायर प्रोडक्ट्स लिमिटेड, 7, रेड क्रॉस प्लेस, कलकत्ता-700001 को मुक्त विदेशी मुद्रा के अग्रीम सर्वांगी उपयोगों सहित रोल स्टील-16 और 17 टाइप पी 820, 3 स्टैंड वायर रोल स्टील का 815 के आयात के लिए 2,93,35,700/- एस. डब्ल्यू. के.आर. 14,418,500/- (दो करोड़ तिरानवे लाख, पैंतीस हजार, सात सौ रुपए मात्र) मूल्य के एक आयात लाइसेंस सं. पी/सी जी/2042881/आर/एम आई/06/एच 87/सी जी-1/एल एस, दिनांक 17-12-1987 दिया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन (विनिमय नियंत्रण) प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन (विनिमय नियंत्रण) प्रति खो गई अथवा अस्थायी हो गई है। अतः यह भी कहा गया है कि लाइसेंस की सीमाशुल्क प्रयोजन विनिमय नियंत्रण प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं कराई गई थी और हम तरङ्ग ने सीमाशुल्क प्रयोजन/विनिमय नियंत्रण प्रति के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने तर्कों के समर्थन में लाइसेंसधारक ने नोटरी पब्लिक, दिल्ली के सम्मुख विधिवत् शपथ लेकर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस की मूल सीमाशुल्क प्रयोजन/विनिमय नियंत्रण प्रति सं. पी/सी जी/2042881 दिनांक 17-12-87 फर्म द्वारा खो गई अथवा अस्थायी हो गई है। समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (गग) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैगर्स दी इंडियन स्टील एण्ड वायर प्रोडक्ट्स लिमिटेड को जारी उक्त मूल सीमा-शुल्क प्रयोजन/विनिमय नियंत्रण प्रति सं. पी/सी जी/2042881 दिनांक 17-12-87 को एतद्वारा रद्द किया जाता है।

3. पाटों का 2,93,35,700 (एम डब्ल्यू एफ आर 14,418,500) कीमत के उक्त लाइसेंस की सीमाशुल्क/विनिमय नियंत्रण प्रति की अनुलिपि अलग से जारी की जा रही है।

[पा. सं. 744/1/86-87/सी जी-1/637]

पाल वैक, उप मुख्य नियंत्रक, आयात-निर्यात,

कृते मुख्य नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 2nd February, 1988

S.O. 508.—M/s. The Indian Steel & Wire Products Ltd., 7, Red Cross Place, Calcutta-700001 were granted an Import Licence No. P/CG/2042881 dated 17-12-87 for Rs. 2,93,35,700 (Rupees Two Crores Ninety Three Lakhs Thirty Five Thousand and Seven Hundred only) for import of Roll Stands 16 and 17 type P820, 3 strand wire rod block P815 with pertaining equipment under F.F.E.

The firm has applied for issue of Duplicate copy of Customs purposes/Ex. Control copy of the above mentioned licence on the ground that the original Customs purposes/Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes/Ex. Control copy of the licence was not registered with any Customs Authority and as such the value of Customs Purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Delhi. I am accordingly satisfied that the original Customs Purposes/Ex. Control copy of Import Licence No. P/CG/2042881 dated 17-12-87 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes/Ex. Control copy No. P/CG/2042881 dated 17-12-87 issued to M/s. The Indian Steel & Wire Products is hereby cancelled.

3. A duplicate Customs Purposes/Ex-control copy of the said licence is being issued to the party separately valued at Rs. 2,93,35,700 (Sw Fr. 14,418,500).

[F. No. 744/1/86 87/CG.I/687]

PAUL BECK, Dy. Chief Controller of Imports & Exports,

for Chief Controller of Imports & Exports.

आदेश

नई दिल्ली, 3 फरवरी, 1988

का.आ 509:—मैसर्स डेसी बेल्ल इलेक्ट्रॉनिक्स (प्रा. लि.) को जो मुक्त दिदेशी मुद्रा के अंतर्गत मदों की संलग्न सूची के अनुसार माल के आयात के लिए 32,21,000/- रु० (बत्तीस लाख इक्कीस हजार रुपये) का एक आयात लाइसेंस सं. पी./एस/1984689, दिनांक 25-2-87 दिया गया था।

फर्म ने इस आधार पर कि अपर उल्लिखित लाइसेंस की मूल सीमा शुल्क प्रयोजना प्रति खो गई अथवा

मुद्रा नियंत्रण

अस्थानस्थ हो गई है, सीमा शुल्क प्रयोजन

मुद्रा नियंत्रण

प्रति की अनुलिपि प्रति जारी करने के लिए आवेदन किया है। आगे यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति कस्टम एअर

मुद्रा नियंत्रण

यूनिट सहर के पाप पंजीकृत करवाने तथा आंशिक रूप से उसके प्रयोग किए जाने के पश्चात् खो गई है।

2. अपने तर्कों के समर्थन में लाइसेंसधारक ने नोटरी, दम्बई के सम्मुख विधिवत शपथ लेकर स्टाम्प पेपर पर एक शपथ पत्र दाखिल किया है। तदनुसार

मैसजुब्द हूँ कि आयात लाइसेंस सं. पी./एस/1984689, दिनांक 25-2-87 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से

मुद्रा नियंत्रण

खो गई है अथवा

अस्थानस्थ हो गई है। अथवा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-55 की उपधारा 9 (ग) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैसर्स डेसी बेल्ल इलेक्ट्रॉनिक्स जारी कथित मूल सीमा शुल्क प्रयोजन प्रति को

मुद्रा नियंत्रण

एतद्वारा रद्द किया जाता है

3. पार्टी को कथित लाइसेंस की सीमाशुल्क प्रयोजन प्रति

मुद्रा नियंत्रण

की अनुलिपि प्रति अलग से जारी की जा रही है।

[सं. सप्ली. एन. एल. 33/एस. एस. आई/ए. एम.-87/ एस. एल. एस/1482]

जे. पी. सिंगल, उप मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 3rd February, 1988

S.O. 509.—M/s. Deci Bells Electronics (P) Ltd., Pune were granted an Import Licence No. P/S/1984689 dated 25-2-87 for Rs. 32,21,000 (Rupees thirty-two lakhs twenty-one thousands) for import of items as per list of goods attached under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purposes/Ex. Control copy of the above mentioned licence on the ground that the original Customs purposes/Exchange control copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes/Ex. Control copy of the licence has been misplaced after having registered with Customs Air Unit Sahar and having been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Bombay. I am accordingly satisfied that the original Customs Purposes/Ex. Control copy of import licence No. P/S/1984689 dated 25-2-87 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated, 7-12-1955, as amended, the said original Customs Purposes/Ex. Control copy No. P/S/1984689 dated 25-2-87 issued to M/s. Deci Bells Electronics (P) Ltd., Pune is hereby cancelled.

3. A duplicate Customs Purposes/Ex. Control copy of the said licence is being issued to the party separately.

[No. Suppl|NS-33|SSI|AM-87|SLS/1482]

J. P. SINGLA, Dy. Chief Controller of Imports & Exports.

आदेश

नई दिल्ली, 17 फरवरी, 1988

का.आ. 510:—मै. विशाखापटनम स्टील प्रोजेक्ट, राष्ट्रीय इस्पात निगम लि. को 250 मिलियन रुबल्स के सोवियत ऋण के अधीन संलग्न सूची के अनुसार ऐयर हीटर आदि के आयात के लिए 2,78,01,885/- रु. (दो करोड़ अठहत्तर लाख, एक हजार आठ सौ पच्चासी रुपये मात्र) मूल्य का एक आयात लाइसेंस सं. आई/सी जी / 2041721 दिनांक 23-9-86 दिया गया था।

फर्म ने उक्त लाईसेंस की सीमाशुल्क प्रयोजन और मुद्रा विनियम नियंत्रण प्रतियों को अनुलिपि प्रतियां जारी करा कर वि. इस आधार पर आवेदन किया है कि लाईसेंस की मूल प्रतियां खो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाईसेंस सीमाशुल्क प्राधिकारी, विशाखापट्टनम, से पंजीकृत कराया गया था और उस पर 1,27,57,430 रु. का उपयोग कर लिया गया था और अब उस पर 1,50,44,455 रु. का उपयोग करना बाकी है।

2. अपने तर्क के समर्थन में लाईसेंसधारी ने नोटरी पब्लिक, दिल्ली के सामने विधिवत शपथ लेकर स्टाम्प पेपर पर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं सन्तुष्ट हूँ कि आयात लाईसेंस सं. आई/सी जी/2041721 दिनांक 23-9-86 की सीमाशुल्क और मुद्रा विनियम नियंत्रण (दोनों) प्रतियां फर्म से खो गई या अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप धारा 9 (सी सी) के अन्तर्गत प्रवृत्त अधिकारों का प्रयोग करते हुए मैं विशाखापट्टनम स्टील प्रोजेक्ट को जारी किए गए उक्त लाईसेंस सं. आई/सी जी/2041721 दिनांक 23-9-86 की मूल सीमाशुल्क प्रयोजन तथा मुद्रा विनियम प्रतियों को एतद्वारा रद्द किया जाता है।

3. पार्टी को उक्त लाईसेंस की सीमाशुल्क प्रयोजन और मुद्रा विनियम नियंत्रण प्रतियों की अनुलिपि प्रतियां अलग से जारी की जा रही है।

[सी. जी. 2/स्टील-9/86-87/1032]

ORDER

New Delhi, the 17th February, 1988

S.O. 510.—M/s. Visakhapatnam Steel Project, Rashtriya Ispat Nigam Ltd., was granted an import licence No. I/CG/2041721 dt. 23-9-86 for Rs. 2,78,01,885 (Rupees Two Crores Seventy Eight Lakhs One Thousand Eight Hundred & five only) for import of Air Heater etc. as per list attached under Soviet Credit of 250 Million Roubles.

The firm has applied for issue of Duplicate copy of Customs purposes as well as Exchange Control copy of the above mentioned licence on the ground that the original copies of the licence have been lost or misplaced. It has further been stated that the licence was registered with Vishakhapatnam Customs Authority and has been utilised for a sum of Rs. 1,27,57,430 leaving a balance unutilised amount of Rs. 1,50,44,455.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Delhi. I am accordingly satisfied that the both Customs purposes as well as Exchange Control copies of import licence No. I/CG/2041721 dated 23-9-86 have been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended from time to time the said original Customs purposes and Exchange Control copy No. I/CG/2041721 dt. 23-9-87 issued to M/s. Vishakhapatnam Steel Project are hereby cancelled.

3. A duplicate Customs Purposes and Exchange Control copies of the said licence are being issued to the party separately.

[No. CGII/Steel-9/86-87/1032]

आदेश

नई दिल्ली, 18 फरवरी, 1988

का. आ. 511 :—श्री सुरेन्द्र सेठी मार्फत श्री. ए. आर. लोद, 52, मिस्त्री पार्क, पाचवां तल, भुलाभाई देसाई रोड, बम्बई, 36 को आयात की विदेश में स्वयं की विदेशी मुद्रा बचत के अधीन, संलग्न सूची के अनुसार उपयोग किए गए कम्प्यूटर सिस्टम के आयात के लिए 6,45,600/-रु. (छः लाख पैंतालीस हजार और छः सौ रुपये मात्र) मूल्य का एक आयात लाईसेंस सं. पी. / सी. जी./2042799 दिनांक 6-1-1988 दिया गया था।

2. लाईसेंसधारक ने उपर्युक्त लाईसेंस की सीमाशुल्क प्रयोजन प्रति और मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि लाईसेंस की मूल सीमाशुल्क और मुद्रा विनियम नियंत्रण प्रतियां खो गई हैं। आगे यह बताया गया है कि लाईसेंस की सीमाशुल्क प्रयोजन और मुद्रा विनियम नियंत्रण प्रतियां किसी भी सीमाशुल्क अधिकारी के पास पंजीकृत नहीं कराई गई थी तथा उनका बिल्कुल भी उपयोग नहीं किया गया था।

3. अपने तर्क के समर्थन में लाईसेंसधारक ने नोटरी पब्लिक, दिल्ली के सम्मुख विधिवत शपथ लेकर स्टाम्प पेपर पर एक शपथ-पत्र दाखिल किया है। तदनुसार, मैं सन्तुष्ट हूँ कि लाईसेंसधारक से आयात लाईसेंस सं. पी/सी. जी. / 2042799, दिनांक 6-1-1988 की दोनों प्रतियां खो गई हैं। समय समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9 (सी सी) के अन्तर्गत प्रवृत्त अधिकारों का प्रयोग करने हुए श्री सुरेन्द्र सेठी को जारी किए गए उक्त लाईसेंस सं. पी. सी./जी. / 2042799 दिनांक 6-1-1988 की सीमाशुल्क प्रयोजन प्रति और मुद्रा विनियम नियंत्रण को एतद्वारा रद्द किया जाता है।

4. पार्टी को उक्त लाईसेंस की सीमाशुल्क तथा मुद्रा विनियम नियंत्रण प्रति और अनुलिपि प्रतियां अलग से जारी की जा रही है।

[सं. 1032/6/आई. एन. एस. ए/87-88/सी जी-2/1034]

शफात अहमद,

उप मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 18th February, 1988

S.O. 511.—Shri Surender Sethi, C/o. Mr. A. R. Laud, 52, Mistry Park, 5th Floor, Bhulabhai Desai Road, Bombay-36 was granted an import licence No. P/CG/2042799 dated 6-1-1988 for Rs. 6,45,600 (Rupees Six lakhs forty five thousand and six hundred only) (US \$ 50,000 for import of used computer system as per list attached under applicant's own foreign exchange savings abroad.

2. The licensee has applied for issue of Duplicate Copy of Customs as well as Exchange Control purposes copy

of the above mentioned licence on the ground that the original Customs and Exchange Control copies of the licence have been lost. It has further been stated that the Customs and Exchange Control purposes copies of the licence were not registered with any Customs authority and utilised at all.

3. In support of his contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the both copies of the import licence No. P/CG/2042799 dt. 6-1-88 has been lost by the licensee. In exercise of the powers

conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended from time to time the said original copies of import licence No. P/CG/2042799 dt. 6-1-88 both Customs purposes as well as Exchange Control copy issued to Shri Surender Sethi hereby cancelled.

4. A duplicate Customs and Exchange Control copies of the said licence are being issued to the party separately.

[No. 1032/6/INSA/87-88/CGII/1034]

SHAFIAT AHMED, Dy. Chief Controller of Imports and Exports.

उद्योग मंत्रालय

(रसायन और पेट्रोसायन विभाग)।

नई दिल्ली, 2 फरवरी, 1988

का. आ. 512 :--यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय (रसायन और पेट्रोसायन विभाग की अधिसूचना का.आ. 2114 तारीख 6 अगस्त 1987 और दुर्लुप्ति पत्रक का. आ. 2909 तारीख 12 अक्टूबर 1987 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आग्रह कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और अतः यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूची से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूचित में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार भारत सरकार में विहित होने के बजाए इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रकर कॉम्प्लेक्स विभाग, विनेपाली (प.) बंबई, में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

पेट्रोलियम और खनिज पाइप (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) की अनुसूची

अ.न.	गांव का नाम	तहसील	जिला	सर्वे नं.	हिस्सा नं.	ग. नं.	क्षेत्र हे. आरे.
1	2	3	4	5	6	7	8
11.	बामनसुरे	अलिबाग	रायगड	23	1	पी	0-2-2
				24	2	पी	0-5-5
				24	3	पी	0-9-1
				25 अ	0	पी	0-33-5
				25 ब	0	पी	0-3-5
				15	1	पी	0-16-9
				15	2	पी	0-6-8
				29	0	पी	0-48-4
				26	1	पी	0-17-9
				31	1	पी	0-2-7
				31	2	पी	0-0-2
12.	क्षिराड	अलिबाग	रायगड	—	—	522	0-9-8
13.	आगरसुरे	अलिबाग	रायगड	1	12	पी	0-3-5
				6	1	पी	0-13-5

MINISTRY OF INDUSTRY

(Department of Chemicals & Petrochemicals)

New Delhi, the 2nd February, 1988

S.O. 512.—Whereas by a notification of Government of India in the Ministry of Industry (Department of Chemicals & Petrochemicals) No. S.O. 2114 dated the 6th August, 1987 and Erratum No. (1) S.O. 2909 dated the 12th October, 87 under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the land, specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, the Central Government in exercise of the powers conferred by Sub-section (1) of section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying pipelines.

And further in exercise of the powers conferred by Sub-section 4 of that section the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay free from all encumbrances.

SCHEDULE

Schedule to Notification under Section 6(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area	
							H	R
11. Bamansure	Alibag	Raigad		23	1(P)		0-02-2	
				24	2(P)		0-05-5	
				24	3(P)		0-09-1	
				25A	0(P)		0-33-5	
				25B	0(P)		0-03-5	
				15	1(P)		0-16-9	
				15	2(P)		0-06-8	
				29	0(P)		0-48-4	
				26	1(P)		0-17-9	
				31	1(P)		0-02-7	
				31	2(P)		0-00-2	
12. Zirad	Alibag	Raigad		—	—	522(P)	0-09-8	
13. Agarsure	Alibag	Raigad		4	12(P)		0-03-5	
				6	1(P)		0-13-5	

[No. 34027/1/87-PC-III]

का. प्रा. 513 :—यतः अधिनियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1952 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रो-रसायन विभाग की अधिसूचना का. प्रा. 2113 तारीख 6 अगस्त 1987 और दूसरी पत्रिका का. प्रा. 2908 तारीख 12 अक्टूबर, 1987 द्वारा भारत सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आग्रह कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा 1 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उप धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार भारत सरकार में विहित होने के बजाए इंडियन पेट्रो केमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग कितने (प) में से एक में सम्पत्तियों में मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

पेट्रोलियम और खनिज (पेट्रो) के उपयोग के अधिकार का अर्जन अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधिनियम की अनुसूची

ज. नं. गांव का नाम	त. पोली	जिला	सर्वे नं.	हिस्सा नं.	ग. नं.	क्षेत्र हे. आरे.
1	2	3	4	5	6	7
1. बोरीम	अलिबाग	रायगड	69	0पी		0-24-0
			103	0पी		0-48-0
3. मुनवली	अलिबाग	रायगड	39	0पी		0-17-9
			40	7पी		0-2-0
			40	8 पी		0-4-2
			41	0 पी		0-1-0
			2	0 पी		0-14-4
5. मापगांव	अलिबाग	रायगड	82	3 पी		0-9-3
			83	अ पी		0-10-8

[सं. 34027/1/87-पी सी-III]

S.G. 513.—Whereas by a notification of Government of India in the Ministry of Industry (Department of Chemicals & Petrochemicals) No. S.O. 2113 dated the 6th August 1987 and Erratum No. (1) S.O. 2908 dated the 12th October, 1987 under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the Lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the section 6 of the said Act the Central Government thereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines.

And further, in exercise of the powers conferred by Sub-section 4 of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay, free from all encumbrances.

SCHEDULE

Schedule to Notification under Section 6(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Area	
						H.	R.
1. Boris	Alibag	Raigad	69	0(P)		0-24-0	
			103	0(P)		0-48-0	
3. Munavoli	Alibag	Raigad	39	0(P)		0-17-9	
			40	7(P)		0-02-0	
			40	8(P)		0-04-2	
			41	0(P)		0-01-0	
			2	0(P)		0-14-4	
5. Mapgaon	Alibag	Raigad	82	3(P)		0-09-3	
			83	A(P)		0-10-8	

[No. 34027/1/87-PC III]

का. आ. 514 ---यतः पेट्रोलियम और खनिज पाइप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय (रसायन और पेट्रोसायन विभाग) की अधिसूचना का. आ. 2114 तारीख 6 अगस्त 1987 और दुर्लुस्ती पत्रक का. आ. 2909 तारीख 12 अक्टूबर 1987 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय कर दिया था।

और अतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि भूमियों में उपयोग का अधिकार भारत सरकार में विहित होने के बजाय इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग, बिलेपाले (प) मुम्बई में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

पेट्रोलियम और खनिज पाइप (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 6 की धारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ. नं.	गांव का नाम	तहसील	जिला	सर्वे नं.	डिस्मा नं.	ग. नं.	क्षेत्र है.	आर.
1	2	3	4	5	6	7	8	9
1	वाघोली	अलिबाग	रायगड	32	1 अ पी		0-13-4	
				36	2 पी		0-15-6	
				35	2 पी		0-14-9	
				22	0 पी		0-19-2	
				18	1 पी		0-19-2	
				17	1 पी		0- 0-5	
				16	2 पी		0- 6-3	
				13	0 पी		0-10-1	
				13	0 पी		0-13-6	
				12	3 पी		0- 1-5	
				12	4 पी		0-24-5	
				11	0 पी		0- 3-7	
				9	0 पी		0-16-9	
				36	1 पी		0- 6-0	

[सं. 34027/1/87-पी सी-III]

S.O. 514.—Whereas by a notification of Government of India in the Ministry of Industry (Department of Chemicals & Petrochemicals) No. S.O. 2114 dated the 6th August 1987 and Erratum No. (1) S.O. 2909 dated the 12th October 1987 under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the land specified in the schedule appended to this notification. 438 GI/88—2.

Now the afore in exercise of the powers conferred by Sub-section (1) of the section 6 of the said Act the Central Government thereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines.

And further, in exercise of the powers conferred by Sub-section 4 of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay free from all encumbrances.

SCHEDULE

Schedule to Notification under Section 6(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.		Hissa No.	Gat No.	Area	
				Old	New			H.	R.
1. Wagholi	Alibag	Raigad		32		1A(P)		0-13-4	
				36		2(P)		0-15-6	
				35		2(P)		0-14-9	
				22		0(P)		0-19-2	
				18		1(P)		0-19-2	
				17		1(P)		0-00-5	
				16		2(P)		0-06-3	
				13		0(P)		0-10-1	
				13		0(P)		0-13-6	
				12		3(P)		0-01-5	
				12		4(P)		0-24-5	
				11		0(P)		0-03-7	
				9		0(P)		0-16-9	
				36		1(P)		0-06-0	

[No. 34027/1/87 PC-III]

का. आ. 515.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय (रसायन और पेट्रोसायन विभाग) की अधिसूचना का. आ. 2112 तारीख 6 अगस्त 1987 और वरुस्ती पत्रक का. आ. 2903 और 2907 तारीख 12 अक्तूबर 1987 द्वारा भारत सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईप लाईन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार भारत सरकार में विहित होने के बजाय इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महागण्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग, विलेपार्लो (प) मुम्बई से सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

पेट्रोलियम और खनिज पाईप (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) अधिनियम

क्रमांक	तारीख	की अनुसूची		सर्वे नं.	हिस्सा नं.	ग नं.	क्षेत्र है.	आर.
अ. नं.	गाव का नाम	तहसील	जिला	सर्वे नं.	हिस्सा नं.	ग नं.	क्षेत्र है.	आर.
1	2	3	4	5	6	7	8	9
1	श्रीगांव	अलिबाग	रायगड	35	1 पी		0- 5-8	
				35	6अ + ब + क पी		0- 19-2	
				35	6ड पी		0- 3-0	
				35	6फ पी		0- 6-0	

1	2	3	4	5	6	7	8	9
				35	4 पी			0- 4-0
				35	5 पी			0- 2-5
				38	2 पी			0- 0-5
				38	1 पी			0- 7-5
				37	1 पी			0- 3-0
2	कालघड	अलिबाग	रायगड	35	0 पी	144/145		0- 2-2
				38	1 पी	160		0-13-6
				38	4अ पी	--		0- 2-0
				38	4ब पी	--		0-15-2
				11	1 पी	41		0-19-2
				11	3 पी	38		0-10-3
				12	5 पी	43		0- 8-0
				9	3/2 पी	36		0- 7-8
				9	3/1 पी	36		0-14-1
3	देहनेकोती	अलिबाग	रायगड	88	1 पी			0-14-4
				88	2 पी			0- 6-8
				94	1 पी			0-11-6
				94	2 पी			0- 0-2
				94	3 पी			0- 8-0
				94	4 पी			0-15-9
				92	2 पी			0-16-1
				91	2 पी			0- 0-5
				91	3 पी			0-10-1
				91	4 पी			0-10-8
				98	2 पी			0- 7-9
				98	3 पी			0- 8-0
				4	4 पी			0-13-9
				4	2 पी			0- 3-0
				5	0 पी			0- 9-1
				3	1 पी			0- 8-3
				3	2 पी			0- 3-5
				15	5 पी			0- 4-0
				15	4 पी			0-10-3
				15	3 पी			0-11-6
				15	2 पी			0- 7-5
				15	1 पी			0-18-9
4	बालघड	अलिबाग	रायगड	12	3 पी			0- 2-7
				11	4 पी			0-36-4
				11	2 पी			0-20-2
				8	2 पी			0-15-6

S.O. 515.—Whereas by a notification of Government of India in the Ministry of Industry (Department of Chemicals & Petrochemicals) No. S.O. 2112 dated the 6th August 1987 and Eratum Nos. (1) S.O. 2903 & 2907 dated the 12th October 1987 under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the

Lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines.

And further, in exercise of the powers conferred by Sub-section 4 of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay free from all encumbrances.

SCHEDULE

Schedule to Notification under Section 6(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area	
							H.	R.
1.	Srugaon	Alibag	Raigad	35	1(P)		0-05-8	
				35	6A+B+C(P)		0-19-2	
				35	6D(P)		0-03-0	
				35	6F(P)		0-05-0	
				35	4(P)		0-04-0	
				35	5(P)		0-02-5	
				38	2(P)		0-00-5	
				38	1(P)		0-07-5	
				37	1(P)		0-03-0	
2.	Kalvad	Alibag	Raigad	35	0(P)	144/145	0-02-2	
				38	1(P)	160	0-13-6	
				38	4A(P)	—	0-02-0	
				38	4B(P)	—	0-15-2	
				11	1(P)	41	0-19-2	
				11	3(P)	38	0-10-3	
				12	5(P)	43	0-08-0	
				9	3/2(P)	36	0-07-8	
				9	3/1(P)	36	0-14-1	
3.	Dehenkoni	Alibag	Raigad	88	1(P)		0-14-4	
				88	2(P)		0-06-8	
				94	1(P)		0-11-6	
				94	2(P)		0-00-2	
				94	3(P)		0-08-0	
				94	4(P)		0-15-9	
				92	2(P)		0-16-1	
				91	2(P)		0-00-5	
				91	3(P)		0-10-1	
				91	4(P)		0-10-8	
				98	2(P)		0-07-9	
				98	3(P)		0-08-0	
				4	4(P)		0-13-9	
				4	2(P)		0-03-0	
				5	0(P)		0-03-1	
				3	1(P)		0-08-3	
				3	2(P)		0-03-5	
				15	5(P)		0-04-0	

1	2	3	4	5	6	7
				15	4(P)	0-10-3
				15	3(P)	0-11-6
				15	1(P)	0-07-5
				15	1(P)	0-18-9
4. Walwad	Alibag	Raigad		12	3(P)	0-02-7
				11	4(P)	0-36-4
				11	2(P)	0-20-2
				8	2(P)	0-15-6

[No. 34027/1/87-PC-III]
S.K. GUPTA, Desk Officer

कम्पनी कार्य विभाग

(Department of Company (Affairs))

नई दिल्ली, 18 फरवरी, 1988

New Delhi, the 18th February, 1988

का. आ. 516.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा मै. ई. सो. सी. वर्कशॉप लिमिटेड जिसका पंजीकृत कार्यालय एल एण्ड टी हाउस, नरोत्तम मोरारजी मार्ग, बैलाड एस्टेट, बम्बई 400038, में है, के पंजीकरण के निरस्तीकरण को अधिसूचित करती है। क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से है जिन पर उक्त अधिनियम के अध्याय III के भाग क के उपबन्ध अब लागू नहीं होते हैं।

S.O. 516.—In pursuance of Sub-Section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. ECC Workshop Limited having its registered office at L & T House, Narotam Morarji Marg, Ballard Estate, Bombay-400038, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply. (Registration No. 1600/82).

[सं. 16/12/86 एम-III]
एल. सी. गोयल, अवर सचिव

[No. 16/12/88-M. III]
L. C. GOYAL, Under Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 2 फरवरी, 1988

का. आ. 517.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 22 फरवरी, 1986 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय के कोयला विभाग की अधिसूचना सं. का. आ. 661, तारीख 4 फरवरी, 1986 द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 2345.027 हेक्टर (लगभग) या 5794.680 एकड़ (लगभग) माप की भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि में के भाग में कोयला अभिप्राप्त है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उससे संलग्न अनुसूची में वर्णित 1136.548 हेक्टर (लगभग) या 2808.47 एकड़ (लगभग) माप की भूमि में खनिजों के खनन खदान, खोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण : 1. इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखाक सं. एस. .ई. सी. एल. : बी. एस. पी. : जी. एम. (परियोजना) II, तारीख 10 सितम्बर, 1987 का निरीक्षण, कलक्टर शहडोल मध्य प्रदेश के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण : 2. पूर्वोक्त अधिनियम की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबन्ध है :

अर्जन के संबंध में आक्षेप

“8(1) किसी ऐसी भूमि में, जिसकी बाधत धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध कोई व्यक्ति अधिसूचना जारी की जाने के तीसरे दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के अर्जन के प्रति आक्षेप कर सकेगा।

स्पष्टीकरण इस धारा के अर्थात्तर्गत यह आक्षेप नहीं माना जाएगा कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए खनन प्रक्रियाएँ करना चाहता है और ऐसी प्रक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति का नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आक्षेप सक्षम प्राधिकारी को लिखित रूप में किया जाएगा और सक्षम प्राधिकारी आक्षेपकर्ता का स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आक्षेपों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई है, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आक्षेपों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अतिरिक्त सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भी भूमि में हितबद्ध समझा जाएगा जो प्रतिक्रिया में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।”

टिप्पण 3. केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

पिनौरा ब्लॉक

सोहागपुर कोलफील्ड

जिला—शहडोल (मध्य प्रदेश)

खनन अधिकार

क्रम सं.	ग्राम का नाम	साधारण संख्यांक	तहसील	जिला	एकड़ों में क्षेत्र	टिप्पणियाँ
1.	डगडोवा	390	बन्धोगढ़	शहडोल	1029.74	भाग
2.	महुरा	577	”	”	555.40	भाग
3.	देवरी आमहाई	334	”	”	493.66	भाग
4.	पिनौरा	413	”	”	601.53	भाग
5.	पिपराडी	414	”	”	96.26	भाग
6.	देवरी	391	”	”	31.88	भाग

कुल योग 2808.47 एकड़ (लगभग)

या 1136.548 हेक्टर (लगभग)

3. ग्राम डगडोवा में अर्जित किए जाने वाले प्लॉट

16 (भाग), 17 (भाग), 18, 20 (भाग), 35 (भाग), 36 से 38, 39 (भाग), 40 (भाग), 41 (भाग), 42 (भाग), 43 से 218, 219 (भाग), 220 (भाग), 221 (भाग), 222 (भाग), 223, 224, 225 (भाग), 226 (भाग), 227 (भाग), 235 (भाग), 240 (भाग), 241 (भाग), 244 (भाग), 247 (भाग), 248, 249 (भाग), 250 (भाग), 251 से 274, 275 (भाग), 276 से 279, 280 (भाग), 281, 282, 283 (भाग), 284 (भाग), 285 से 287, 288 (भाग), 289 (भाग), 290 (भाग), 302 (भाग), 303 (भाग), 307 (भाग), 308 (भाग), 309 (भाग), 310 से 359, 360 (भाग), 361 (भाग), 362 से 366, 367 (भाग), 368 (भाग), 369 (भाग), और 374 (भाग)।

2. ग्राम महुरा में अर्जित किए जाने वाले प्लॉट

14 (भाग), 22 (भाग), 23 से 29, 30 (भाग), 31 (भाग), 32 से 41, 42 (भाग), 43 (भाग), 44 (भाग), 45 (भाग), 53 (भाग), 54 (भाग), 55, 56, 57 (भाग), 58 (भाग), 59 (भाग), 116 (भाग), 117 (भाग), 148 (भाग), 152 (भाग),

162 (भाग), 165 (भाग), 166 (भाग), 167, 168 (भाग), 169 (भाग), 170 (भाग), 171 से 288, 289 (भाग), 290 (भाग), 292 (भाग), 293 (भाग), 294 से 298, 299 (भाग), 301, (भाग), 302 (भाग), 303 (भाग), 304 से 345, 346 (भाग), 349 (भाग), 350, 351, 352 (भाग), और 353 ।

3. ग्राम देवरी अमहाई में अर्जित किए जाने वाले प्लॉट :

1 (भाग), 3 (भाग), 4 (भाग), 5 (भाग), 6 से 35, 36 (भाग), 37 से 229, 230 (भाग), 231 (भाग), 233 (भाग), 234 (भाग), 235 (भाग), 236, 237, 238 (भाग), 239, 240, 241 (भाग), 247 (भाग), 269 (भाग), 270 (भाग), 271 से 273, 274 (भाग), 275, 276 (भाग), 277/1, 272/2 (भाग), 278 (भाग), 285 (भाग), 318 (भाग), 319 से 323, 325 और 326 ।

4. ग्राम पिनीरा में अर्जित किए जाने वाले प्लॉट :

130 (भाग), 133 (भाग), 134 (भाग), 135 (भाग), 139 (भाग), 140 (भाग), 141 (भाग), 142 से 144, 145 (भाग), 146 (भाग), 149 (भाग), 150 से 184, 185 (भाग), 186 से 201, 202 (भाग), 203 से 432, 433 (भाग), 434 (भाग), 441 (भाग), 446 (भाग), 447 (भाग), 448 (भाग), 457 (भाग), 458, 459, 460 (भाग), 461 से 463, 464 (भाग), 465 से 564, 565/1, 565/2, 571 (भाग), 576 (भाग), 577 (भाग), 578 से 607, 608 (भाग), 609 (भाग), 623 (भाग), 624, 625, 626 (भाग), 627, 628, 629 (भाग), 631 (भाग), 632 (भाग), 633 (भाग), 634, 635, 671 से 677 और 648 (भाग) ।

5. ग्राम मिराही में अर्जित किए जाने वाले प्लॉट :

40 (भाग), 56 (भाग), 57 (भाग), 58 (भाग), 61 (भाग), 62 से 65, 66 (भाग), 67 (भाग), 71 (भाग), 72 से 95, 96 (भाग), 97 (भाग), 99 (भाग), और 132 (भाग) ।

6. ग्राम देवरी में अर्जित किए जाने वाले प्लॉट :

348 (भाग), 363 (भाग), 364, 365 (भाग), 366 से 376, 477 (भाग), 378 (भाग), 379 (भाग), 382 (भाग), और 440 ।

सीमा वर्णन

क-ख रेखा, बिन्दु "क" से आरंभ होती है और ग्राम पिनीरा के प्लॉट सं. 571/2, 576, 577, 609, 608 और 623 से होकर जाती है और बिन्दु "ख" पर मिलती है ।

ख-ग रेखा प्लॉट संख्यांक 623 की दक्षिणी सीमा के साथ-साथ जाती है और प्लॉट सं. 629, 631, 626, 633, 632 से होकर जाती है । प्लॉट संख्यांक 635 की दक्षिणी सीमा के साथ-साथ जाती है और फिर पिनीरा ग्राम के प्लॉट संख्यांक 648 से होकर और फिर देवरी अमहाई ग्राम के प्लॉट संख्यांक 285, 277/2, 278, 276, 274, 270, 269, 241, 238, 247, 235, 234, 233, 231, 230, 318, 1 से होकर आगे बढ़ती है और फिर महुरा ग्राम के प्लॉट संख्यांक 146, 352, 349, 346, 303, 302, 301, 299, 293, 292, 288, 290, 289 से होकर और फिर डगडोवा ग्राम के प्लॉट संख्यांक 367, 368, 369, 361, 369, 374, 360, 309, 308, 307, 303, 302, 290, 284, 288, 289, 283, 280, 275 से होकर जाती है और बिन्दु "ग" पर मिलती है ।

ग-घ रेखा डगडोवा और करनपुरा, डगडोवा और लाहनी ग्रामों की नाला सामान्य सीमा से गुजरती है और बिन्दु "घ" पर मिलती है ।

घ-ङ रेखा डगडोवा ग्राम के प्लॉट संख्यांक 275, 244, 250, 249, 247, 226, 227, 225, 222, 219, 221, 220, 235, 240, 241 से होकर जाती है और फिर ग्राम देवरी के प्लॉट संख्यांक 340, 365, 363, 379, 378, 377, 382 से होकर और फिर डगडोवा ग्राम के प्लॉट संख्यांक 35, 39, 40, 41, 42, 20, 18, 17, 16 से होकर और महुरा ग्राम के प्लॉट संख्यांक 22, 30, 31, 16, 14, 43, 45, 44, 54, 53, 57, 58, 59, 170, 169, 168, 166, 165, 162, 152, 148, 147, 146 से होकर और फिर देवरी ग्राम अमहाई से प्लॉट संख्यांक 1, 5, 4, 3, और 36 से होकर जाती है और पिनीरा ग्राम के प्लॉट संख्यांक 202, 185, 172, 130, 133, 134, 135, 149, 146, 145, 141, 139, 140, 433, 434, 464, 460, 441, 446, 447, 448 से होकर जाती है और बिन्दु "ङ" पर मिलती है ।

क.क. रेखा पिनौरा ग्राम के प्लाट संख्यांक 448, 157 से होकर जाती है और फिर पिपरो ग्राम के प्लाट संख्यांक 61, 57, 58; 56; 66, 67; 71, 40; 99; 132; 96; 97 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/27/85-सी ए/एल एम डब्ल्यू]
बी. वी. राव, अवर सचिव

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 2nd February, 1988

S.O. 517.—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal, S.O. No. 661 dated the 4th February, 1986 under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and published in the Gazette of India, in part-II, section 3, sub-section (ii) dated the 22nd February, 1986, the Central Government gave notice of its intention to prospect for coal in 2345.027 hectares (approximately) or 5794.68 acres (approximately) of the lands in locality specified in the schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore in exercise of the powers conferred by sub-section (i) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, Quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1136.548 hectares (approximately) or 2808.47 acres (approximately) described in the schedule appended hereto.

Note 1 : The plans bearing No. SECL/BSP : GM (PROJ) 11 dated the 10th September 1987 of the area covered by this notification may be inspected in the office of the Collector, Shahdol (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta, or in the office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note 2 : Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows :

Objections to Acquisition :

"(8) (1) Any person interested in any land in respect of which a notification under section 7 has

been issued may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—

It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the product of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the Competent Authority in writing and the Competent Authority shall give the objection an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 17 or of rights in or over such land, or makes different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government containing his recommendations on the objections, together, with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3 : The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the Competent Authority under the Act."

SCHEDULE

PINOURA BLOCK

SOHAGPUR COALFIELD

DISTRICT—SHAHDOL (MADHYA PRADESH)

MINING RIGHTS

Sr. No.	Name of Village	General Number	Tahsil	District	Area in acres	Remarks
1.	Dagdauwa	390	Bandhogarh	Shahdol	1029.74	Part.
2.	Mahura	577	Bandhogarh	Shahdol	555.40	Part.
3.	Deori Amhai	334	Bandhogarh	Shahdol	493.66	Part.
4.	Pinoura	413	Bandhogarh	Shahdol	601.53	Part.
5.	Piprai	414	Bandhogarh	Shahdol	96.26	Part.
6.	Deori	391	Bandhogarh	Shahdol	31.88	Part.

Grand Total: 2808.47 acres (approximately)

OR

1136.548 hectares (approximately)

- 438 GI/88--3.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 जनवरी, 1988

का. आ. 518 :—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का (अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3737 तारीख 20-10-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय प्रेषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की की दश तारीख को निहित होगा।

अनुसूची

जी. जी. एस. XI से जी. जी. एस. I तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : व तालुका : गांधी नगर

गांव ब्लॉक नं. हेक्टेयर आर. सेंटीयर

1	2	3	4	5
तारापुर	134	0	09	60
	144	0	10	40
	143	0	15	80
	144	0	10	60
	145	0	09	60
	204	0	07	80
	205	0	24	00

1	2	3	4	5
	206	0	16	40
	208	0	14	60
	कार्ट ट्रैक	0	02	40

[स. ओ.-11027/12/88-ओ एनजी./डी.-III]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 29th January, 1988

S.O. 518.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3737 dated 20-10-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GGS XI TO GGS I

State : Gujarat District & Taluka : Gandhinagar

Village	Block No.	Hec.	Arc	Cen.
Tarapur	134	0	09	60
	144	0	10	40
	143	0	15	80
	144	0	10	60
	145	0	09	60
	204	0	07	80
	205	0	24	00
	206	0	16	40
	208	0	14	60
	Cart track	0	02	40

[No. O-11027/12/88-ONG/D-III]

का. आ. 519 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस.एन.डी.ई. से एन. के. डी. जी.एस.-III तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनो को विछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बग़र्ज़ कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन विछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बर्डौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को मार्फत।

अनुसूची

एरा. एन. डी. ई. से एन. के. जी. जी. एस.-III तक पाईप लाईन विछाने के लिए।

राज्य—गुजरात जिला और तालुका—मेहसाना

गांव	सर्वे नं.	हेक्टर	आर	सेन्टी- यर
1	2	3	4	5
सथाल	1046	0	10	56
	925	0	11	28
	924	0	06	12
	925	0	02	76
	923/922	0	09	84
	921/1	0	03	84
	कार्ट ट्रैक	0	00	36
	766	0	10	20
	767	0	02	52

[सं. ओ.-11027/13/88-ओ.एन.जी.डी. III]

S.O. 519.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNDE to NKGS III in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM SNDE TO NK GGS III

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hec.	Are	Cent.
Santhal	1046	0	10	56
	925	0	11	28
	924	0	06	12
	925	0	02	76
	923/922	0	09	84
	921/1	0	03	84
	Cart track	0	00	36
	766	0	10	20
	767	0	02	52

[No. O 11027/13/88 ONG/D-III]

का. आ. 520.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3738 तारीख 20-10-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को विछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इन अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के लिये एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी.जी. एस० 9 से जी.जी. एस. I तक पाईप लाईन बिछाने के लिये।

राज्य : गुजरात जिला व तालुका : गांधीनगर

गांव	ब्लाक नं.	हेक्टेयर	आर.	सेटीयर
ऊवारसद	941	0	03	80
	944	0	29	40
	943	0	02	20
	945	0	22	80
	946	0	17	80
	947	0	16	00

[सं० ओ-11027/14/88-ओएनजी/जी-III]

S.O. 520.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3738 dated 20-10-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of use in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GGS XI TO GGS I

State : Gujarat	District & Taluka : Gandhinagar			
Village	Block No.	Hec.	Are	Cen.
Uvarsad	941	0	03	70
	944	0	29	40
	943	0	02	20
	945	0	22	80
	946	0	17	80
	947	0	16	00

[N 1 7/1 III]

का. आ. 521:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल नवागाम ने कोयली-फेस-II तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्भावद्व अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणव्य एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी मुनवाई व्यवितगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

के.एन.के. फेस II की पाईप लाईन बिछाने के लिये।

राज्य : गुजरात जिला : खेड़ा तालुका : आनन्द

गांव	सर्वनं.	हेक्टेयर	आर.	सेटीयर
मागरी	675	0		
	676/1 + 2	0		
	677/1	0		
	715	0		
	713 + 714	0		
	718	0		
	712/2	0		
	719	0		
	706 + 707/2	0		
	705	0	23	20
	732	0	11	60
	784/1	0	21	00
	784/2			
	783	0	12	20
	787	0	01	80

1	2	3	4	5
	788	0	16	32
	790	0	11	70
	781	0	00	42
	789	0	12	27
	791	0	06	90
	794	0	19	00
	795	0	09	90
	964	0	12	99
	963	0	03	94
	962	0	08	69
	1042/4	0	14	33
	1045	0	00	20
	कार्ट ट्रैक	0	00	50
	1043	0	00	30
	1042/3	0	14	00
	1047	0	18	50
	1046	0	06	65
	1048	0	00	03
	1050	0	14	70
	1049	0	11	80
	1025	0	01	68
	1026	0	17	80
	1024	0	05	11
	1029	0	00	72
	1023	0	05	30
	1022	0	11	80
	1021	0	10	90
	1018	0	10	60
	कार्ट ट्रैक	0	01	00
	1216	0	01	73
	1217	0	21	72
	1218	0	13	00
	1219	0	09	20
	1222	0	02	67

[स ओ-11027/15/88-ओ०एन०जी/डी-III]

S O 521.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol-Nawagaon to Keshi-Ph-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390009)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner

SCHEDULE

PIPELINE FOR KNK PHASE II

State : Gujarat District : Kheda Taluka : Anand

Village	Survey No.	Hec.	Are	Cen.
Mogari	675	0	07	60
	676/1+2	0	01	55
	677/1	0	17	80
	715	0	06	80
	713+714	0	16	60
	718	0	00	54
	712/2	0	22	00
	719	0	17	00
	706+707/2	0	13	90
	705	0	23	20
	732	0	11	60
	784/1	0	21	00
	784/2			
	783	0	12	20
	787	0	01	80
	788	0	16	32
	790	0	11	70
	781	0	00	42
	789	0	12	27
	791	0	06	90
	794	0	19	00
	795	0	09	90
	964	0	12	96
	963	0	03	94
	962	0	08	69
	1042/4	0	14	33
	1045	0	00	20
	Cart track	0	00	50
	1043	0	00	30
	1042/3	0	14	00
	1047	0	18	50
	1046	0	06	65
	1048	0	00	03
	1050	0	14	70
	1049	0	11	80
	1025	0	01	68
	1026	0	17	80
	1024	0	05	11
	1029	0	00	72
	1023	0	05	30
	1022	0	11	80
	1021	0	10	90

1	2	3	4	5	1	2	3	4	5
	1018	0	10	00		499	0	08	70
	Calt track	0	01	00		501	0	07	40
	1216	0	01	73		502	0	03	60
	1217	0	21	72		503	0	03	60
	1218	0	13	00		504	0	00	93
	1219	0	09	20		480	0	08	55
	1222	0	02	67		477/2	0	14	10
[NO O-11027/15/88-ONG/D-III]						178	0	00	03
						174/4	0	00	63
						477/4	0	07	63
						474/5	0	16	00
						473/1	0	00	96
						473/2	0	0,	11
						471/1	0	06	00
						471/2	0	00	20
						472	0	06	20
						673	0	00	30
						672	0	13	70
						670/1	0	09	60
						669/1	0	01	30
						668	0	06	00
						629/	0	30	00
						1+5+7			
						664/1	0	12	80
						664/2	0	06	28
						665	0	00	53
						661/	0	19	30
						1+3+5			
						661/6	0	13	10
						661/7	0	12	40
						645/	0	05	83
						1+2+3			
						782	0	29	85
						785	0	33	60
						784	0	03	82
						776	0	00	61
						791	0	26	60
						792	0	26	80

[NO O-11027/15/88-ONG/D-III]

का ऑ 522—यत केन्द्रीय सरकार का यह प्रतीत होता है कि लाफहित में यह आवश्यक है कि गुजरात राज्य में बलाल नवागाम से कोयली-फेस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत यह प्रतीत होता है कि ऐसी लाइना का बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा बोधित किया है।

वशत कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा राड, बड़ोदा-9 का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति बिनिर्दिष्ट यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

क एन के. फेस-II का पाइप लाइन बिछाने के लिए
राज्य — गुजरात जिला खेडा ता.बुका आनन्द

गांव	सर्वे नं	इक्टेयर	आर	मैट्रीयर
1	2	3	4	5
जोल	190	0	13	00
	492	0	14	21
	193	0	00	00
	495/2	0	06	90

[सं. ग-11027/16/88-अ.ए.नजी/डो-III]

S.O. 522—Whereas it appears to the Central Government that it is necessary in the public interest for the transport of petroleum from Koli Navigation to Koyali-Ph II in Gujarat State pipeline should be laid by the Oil Natural Gas Commission

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority. Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FOR KNK PHASE II

State : Gujarat District : Kheda Taluka : Anand

Village	Survey No.	Hec.	Are	Can.
1	2	3	4	5
Jol	490	0	13	00
	492	0	14	24
	493	0	00	66
	495/2	0	06	90
	499	0	03	70
	501	0	07	40
	502	0	03	60
	503	0	03	60
	504	0	00	93
	480	0	08	55
	477/2	0	14	10
	478	0	00	03
	474/4	0	00	63
	477/4	0	07	63
	474/5	0	16	00
	473/1	0	00	96
	473/2	0	06	14
	471/1	0	06	00
	471/2	0	00	20
	472	0	05	20
	673	0	00	30
	672	0	13	70
	670/1	0	09	60
	669/1	0	04	30
	668	0	06	00
	629/1 + 5 + 7	0	30	00
	664/1	0	12	80
	664/2	0	05	28
	665	0	00	53
	661/1 + 3 + 5	0	19	30
	661/6	0	13	10
	661/7	0	12	40
	645/1 + 2 + 3	0	05	83
	782	0	29	85
	785	0	38	60
	784	0	03	82
	776	0	00	61
	791	0	26	60
	792	0	26	80

[No. O-11027/16/88-ONG/D-III]

का.आ.सं. 523 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कवोल-नवागाम से कोयली-फेस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एनद्रपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनद्रद्वारा घोषित किया है।

वशतः कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करते वक्ता हर व्यक्ति विनिर्दिष्टतः यह भी तय करेगा कि क्या यह वांछित है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

के.एन.के. फेस-II की पाइप लाइन बिछाने के लिए।

राज्य :—गुजरात जिला : खेड़ा तालुका : आनन्द

गांव	सर्वे नं.	इक्टेयर	आर.	सेंटीयर
1	2	3	4	5
गाना	53	0	09	47
	423	0	08	60
	422/1	0	12	69
से 10				
	425/1 + 2	0	20	50
	429/1 + 2	0	18	38
	430/3	0	02	63
	412/1 + 2	0	00	25
	411	0	19	54
	408	0	11	00
	409/1 + 2	0	06	30
	402/1	0	02	61
	402/2	0	15	49
	403/2	0	08	60

1	2	3	4	5	1	2	3	4	5
	403/1	0	07	29		429/1+2	0	18	38
	381/2-बी	0	01	00		430/3	0	02	63
	381/2-ए	0	03	60		412/1+2	0	00	75
	381/1	0	04	80		411	0	19	54
	354/1	0	06	80		408	0	11	00
	354/2	0	00	80		409/1+2	0	06	30
	353/1	0	08	80		402/1	0	02	61
	352	0	16	00		402/2	0	15	49
	338/1	0	16	40		403/2	0	03	60
	338/2	0	04	92		403/1	0	07	29
	339/1	0	04	17		381/2B	0	01	00
	345/3	0	01	41		381/2A	0	03	60
	344/2	0	04	17		381/1	0	04	80
	344/1	0	05	40		354/1	0	06	80
	312	0	11	80		354/2	0	00	80
	343/2 }	0	01	48		353/1	0	03	80
	343/1 }					352	0	16	00
	320	0	15	60		338/1	0	16	40
	319	0	01	10		338/2	0	04	92
	318	0	02	24		339/1	0	04	17
						345/3	0	01	41
						344/2	0	04	17
						344/1	0	05	40
						342	0	11	80
						343/2 }			
						343/1 }	0	04	48
						320	0	15	60
						319	0	01	10
						318	0	02	24

[स आ-11027/17/88-आ/नजी/डी-III]

S.O 523—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol-Nawagam to Koyali-Ph II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto —

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner

SCHEDULE

PIPELINE FOR KNK PHASE-II

State	Gujarat	District	Kheda	Taluka	Anand
Village		Survey No	Hect	Are	Cent
1		2	3	4	5
Gana		53	0	09	47
		423	0	08	60
		422/1/ to 10	0	12	69
		425/1+2	0	20	50

[NO O-11027/17/88-ONG/D-III]

का आ 524—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गजराज राज्य में कलोल-नवागम में कायली फेम-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाइना को बिछाने के प्रयोजन के लिये लाइलाइन्ड जमिनों में अगित भूमि में उपयोग का अधिकार करना आवश्यक है।

अब अब पेट्रोलियम और अगित पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जन करने का अपना आदेश पत्रद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितशुद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर बर मखेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

के. एन. के. फेस-II की पाइप लाइन बिछाने के लिए।
राज्य : गुजरात जिला : अहमदाबाद तालुका : दसक्रोई

गांव	ब्लोक नं.	हेक्टेयर	आरे.	सेन्टीयर
बाकरोल	307	0	13	55
	308	0	07	25
	413	0	41	30
	230	0	07	40
	237	0	11	35
	239	0	05	15
	236	0	06	10
	242	0	11	20
	255	0	19	65
	253	0	07	25

[सं. ओ-11027/18/88-ओएनजी/डी-III]

S.O. 524.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol—Nawagaon to Koyali—Ph-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FOR KNK PIPELINE PHASE-II

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hect	Are	Cent
Bakrol	307	0	13	55
	308	0	07	25
	413	0	41	30
	230	0	07	40
	237	0	11	35
	239	0	05	15
	236	0	06	10
	242	0	11	20
	255	0	19	65
	253	0	07	25

[NO. O-11027/18/88-ONG/D-III]

का. आ. 525.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल-नवागाव से कोयली फेस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

के. एन. के. फेस-II की पाइप लाइन बिछाने के लिये।

राज्य : गुजरात जिला : अहमदाबाद तालुका : दसक्रोई

गाव	ब्लोक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
वणजूर	19	0	03	15
	18	0	07	65
	24	0	05	90
	16	0	06	10
	15	0	10	70
	14	0	02	20
	13	0	10	00
	144	0	14	30
	123	0	10	23
	133	0	00	17
	124	0	05	20
	121	0	22	40
	111	0	09	90
	112	0	11	70
	110	0	01	90
	176	0	13	20
	180	0	08	40

1	2	3	4	5
	183	0	07	00
	181	0	03	40
	189	0	06	95
	187	0	04	05
	188	0	13	10
	203	0	02	10
	136	0	00	75
	135	0	12	60
	137	0	03	80
	134	0	05	60
	143	0	00	80

[सं. ओ-11027/19/88-ओएनजी/डी-III]

S.O. 525.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol—Nawagam to Koyali Ph.-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FOR KNK PHASE II

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hec.	Are	Can.
1	2	3	4	5
Vanzar	19	0	03	15
	18	0	07	65
	24	0	05	90
	16	0	06	10
	15	0	10	70
	14	0	02	20
	13	0	10	00
	144	0	14	30
	123	0	10	23
	133	0	00	17
	124	0	05	20
	121	0	22	40
	111	0	09	90
	112	0	11	70
	110	0	01	90
	176	0	13	20

1	2	3	4	5
	180	0	08	40
	183	0	07	00
	181	0	03	40
	189	0	06	95
	187	0	04	05
	188	0	13	10
	203	0	02	10
	136	0	00	75
	135	0	12	60
	137	0	03	80
	134	0	05	60
	143	0	00	80

[No. O-11027/19/88-ONG/D-III]

का.आ. 526. :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल-नवागाम से कोयली-फेस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वशतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

के.एन.के. फेस-II की पाइप लाइन बिछाने के लिए।

राज्य : —गुजरात जिला : —खेड़ा तालुका : —आनंद

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेटीयर
बड़ोद	84	0	13	60
	69	0	02	00
	66	0	11	60
	67	0	13	40
	64	0	09	00
	63	0	08	70

[सं. ओ-11027/20/88-ओ.एन.जी./डी. III]

S.O. 526.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol-Nawagam to Koyali Ph-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission,

And whereas it appears that for the purpose of laying pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM KNK PHASE II

State : Gujarat District : Kheda Taluka : Anand

Village	Survey No.	Hec.	Are	Can.
Vadod	84	0	13	60
	69	0	02	00
	66	0	11	60
	67	0	13	40
	64	0	09	00
	63	0	08	70

[No. O-11027/20/88-ONG/D-III]

का. आ. 527.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल-नवागम से कोयली-चरण II तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

वर्तते कि उक्त भूमि में हितवद् कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कद सुनेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुसवाई व्यक्तिगत रूप से हो या कितनी विधि व्यवसायी की मार्फत ।

अनुसूची

के. एन. के. फेस II की पाइप लाइन बिछाने के लिए
राज्य.—गुजरात जिला:—अहमदाबाद तालुका:—दसक्रोई

गाँव	ब्लॉक न.	हेक्टेयर	आर.	सेन्टीयर
बदराबाद	82	0	00	45
	83	0	11	95
	84	0	07	50
	85	0	11	70
	86	0	11	95
	105	0	01	80

[सं. ओ-11027/21/88-ओ एन जी/डी-III]

के. विवेकानन्द, डेस्क अधिकारी

S.O. 527.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol-Nawagam to Koyali Ph-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission,

And whereas it appears that for the purpose of laying pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM KNK PIPELINE PHASE-II

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hec.	Are	Can.
Badrabad	82	0	00	45
	83	0	11	95
	84	0	07	50
	85	0	11	70
	86	0	11	95
	105	0	01	80

[No. O-11027/21/88-ONG/D-III]

K. VIVEKANAND, Desk Officer

नई दिल्ली, 2 फरवरी, 1988

का. प्रा. 528 --यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निर्दिष्ट भूमि में व्ययन स्थल भ. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ओथोरीटी ऑफ इन्डिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ती

मन्त्रालय का नाम	गांव	का. प्रा. म	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वरीयाव ता. चोर्यसी जि. सुरत	1063	31-3-84	16-11-87

[सं. ओ-14016/125/83-ओपी]

New Delhi, the 2nd February, 1988

S.O. 528.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from D. S. Hajira Bijapur to Jagdishpur in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum & Natural Gas	Variav Tal. Choriyasi Dist. Surat. Gujarat	1063	31-3-84	16-11-87

[No. O-14016/125/83-GP]

का. प्रा. 529.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निर्दिष्ट भूमि में व्ययन स्थल भ. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथोरीटी ऑफ इन्डिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ती

मन्त्रालय का नाम	गांव	का. प्रा. म	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	भारुन्दी ता. ओल्पाड जि. सुरत गुजरात	1378	28-4-84	16-11-87

[सं. ओ-14016/126/83-जी पी]

S.O. 529.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from D. S. Hajira Bijapur to Jagdishpur in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas.	Bharundi Tal.—Olpad Dist.—Surat. Gujarat	1378	28-4-84	16-11-87

[No. O-14016/126/83-GP]

का. आ. 530.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सन्तान अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निर्दिष्ट भूमि में वर्तमान स्वतः स. हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-1 के अन्तर्गत मूल्य अधिकारी एन.आर. उक्त निधि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. आ.	भारत के सं. राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कनाड ता. ओलपाड जि. सुरत गुजरात	1383	28-4-84	16-11-87

[म. ओ. 14016/129/83-जी पी.]

S.O. 530.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Kanad Tal.—Olpad Dist.—Surat, Gujarat	1383	28-4-84	16-11-87

[No. O-14016/128/83-GP]

का. आ. 531.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सन्तान अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है गुजरात राज्य में उक्त निर्दिष्ट भूमि में वर्तमान स्वतः स. हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मूल्य अधिकारी एन.आर. उक्त निधि का कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. आ.	भारत के सं. राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वीहल ता. चोरियास जि. सुरत गुजरात	1379	28-4-84	16-11-87

[म. ओ.-14016/129/83-जी पी.]

S.O. 531.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 5 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette	Date of termination of operation
Petroleum and Natural Gas	Vihal Tal.—Choriya Dist.—Surat, Gujarat.	1379	28-4-84	16-11-87

[No. O-14016/129/83-GP]

का आ 532—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल स हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी ऑफ इंडिया लि ने उपर्युक्त नियम के खण्ड-7 के उप-खण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	का आ. स	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	ओभला ता ओलपाह जि सूरत गुजरात	1382	28-4-87	16-11-87

[स ओ -14016/130/83-जी पी]

S.O. 532—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from D S Hajira Bujapur to Jagdishpur in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas,	Obhala Tal.—Olphad Dist.—Surat. Gujarat	1382	28-4-87	16-11-87

[No. O-14016/130/83-GP]

गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल स हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी ऑफ इंडिया लि. ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	का आ. स	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	माधर ता ओलपाह जि सूरत गुजरात	2105	30-6-84	16-11-87

[स ओ -14016/137/83-जी पी]

S.O. 533—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d s Hajira Bujapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above

SCHEDULE

TERMINATION OF PIPELINE FROM D S H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Madhar Tal.—Olphad, Dist.—Surat. Gujarat	2105	30-6-84	16-11-87

[No O-14016/137/83-GP]

का आ 534—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल स हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

का आ. 533—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया

गैस प्रायोरीटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उप-खण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अथ पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा.	भारत के कार्य समाप्ति राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	सांघीयूर ता. ओलपाड जि. सुरत गुजरात	2102	30-6-84	16-11-87

[सं. ओ-14016/138/83-जी पी]

S.O. 534.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira—Bijapur to Jagdishpur in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S. N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Sandhiyar Tal.—Olphad Dist.—Surat Gujarat	2102	30-6-84	16-11-87

[No. O-14016/138/83-GP]

का. प्रा. 535.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस प्रायोरीटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अथ पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा.	भारत के कार्य समाप्ति राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कोसम ता. ओलपाड जि. सुरत गुजरात	1380	28-4-84	16-11-87

[सं. ओ-14016/142/83-जी पी]

S.O. 535.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira—Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas.	Kosam Tal.—Olphad Dist.—Surat. Gujarat.	1380	28-4-84	16-11-87

[No. O-14016/142/83-GP]

का. प्रा. 536.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवहन स्थल हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस प्रायोरीटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अथ पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का. आ. मं.	भारत के राज्य में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	खलीपोर ता. ओल्फाड जि. सूरत गुजरात	2103	30-6-84	16-11-87

[म. ओ-14016/143/83-जी पी]

S.O. 536.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas.	Khalipur Tal.—Olphad Dist.—Surat Gujarat.	2103	30-6-84	16-11-87

[No. O-14016/143/83-GP]

का. आ. 537.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्थापन हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस प्राधिकारी ऑफ इंडिया लि. ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का. आ. मं.	भारत के राज्य में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	मूलद ता. ओल्फाड जि. सूरत गुजरात	2108	30-6-84	16-11-87

[म. ओ-14016/144/83-जी पी]

S.O. 537.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Mulud Tal.—Olphad Dist.—Surat Gujarat.	2108	30-6-84	16-11-87

[No. 14016/144/83-GP]

का. आ. 538.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्थापन हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस प्राधिकारी ऑफ इंडिया लि. ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-1 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. म.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कीमायली ता. ओलपाड जि. सूरत गुजरात	2100	30-6-87	16-11-87

[सं. ओ-14016/145/83-जी पी]

S.O. 538.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas.	Kimumuli Tal.—Olphad Dist.—Surat Gujarat.	2100	30-6-84	16-11-87

[No. O-14016/145/83-GP]

का. प्रा. 538.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में विनिर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापित हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किये गये हैं।

गीस प्राधिकारिणी प्रांत इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

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अनुसूची

हजीरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. म.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	सियादला ता. ओलपाड जि. सूरत गुजरात	1925	16-6-84	16-11-87

[सं. ओ-14016/1/84-जीपी]

S.O. 539.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas.	Siyadala Tal.—Olphad Dist.—Surat. Gujarat.	1925	16-6-84	16-11-87

[No. O-14016/1/84-GP]

का. प्रा. 540.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में विनिर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापित हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किये गये हैं।

गीस प्राधिकारिणी प्रांत इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

घनसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	इच्छापुर ता. चोरियासी जि. सुरत	1584	12-5-84	16-11-87

[सं. ओ-14016/2/84-जी पी]

S.O. 540.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur-Ichhapore in Gujarat State;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Ichhapore Tal. Choriyasi Distt. Surat Gujarat	1584	12-5-84	*16-11-87

[No. O-14016/2/84-GP]

का. प्रा. 541.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न घनसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल से हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं ;

गैस ओथोरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है ;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

घनसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वामेसी ता. हालोल जी. पंचमहाल गुजरात	1508	13-4-85	16-11-87

[सं. ओ-14016/270/84-जी पी]

S.O. 541 —Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur-Ichhapore in Gujarat State ;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Vasanti TA-Halol Distt. Panchmahal Gujarat	1508	13-4-85	16-11-87

[No. O-14016/270/84-GP]

का. प्रा. 542:—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न घनसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल से हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं ;

गैस ओथोरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है ;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	नूरपुरा ता. हालोल जि. पंचमहल गुजरात	1492	13-4-85	16-11-87

[स. ओ.-14016/272/84-जी पी]

S.O. 542.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajara-Bijapur to Jagdishpur-Nurpura-Halol in Gujarat State ;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (1) of sub-section (1) of section 7 of the said Act on 16-11-1987 ;

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Nurpura TA-Halol Distt-Panchmahal Gujarat	1492	13-4-85	16-11-87

[No. O-14016/272/84-GP]

का. आ. 543.—यहां भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखण्ड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं ;

गैस अथॉरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है ;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं ।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	अराद ता. हालोल जि. पंचमहल गुजरात	2008	11-5-85	16-11-87

[सं. ओ-14016/375/84-जी पी]

S.O. 543.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajara-Bijapur to Jagdishpur in Gujarat State ;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (1) of sub-section (1) of section 7 of the said Act on 16-11-1987 ;

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Arad Ta. Halol Distt. Panchmahal Gujarat	2008	11-5-85	16-11-87

[No. O-14016/375/84-GP]

का. आ. 544.—यहां भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (i) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं० हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं ;

गैस अथॉरिटी ऑफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है ;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं ।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्त

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्त

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राज-पत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	हालोल सर्वे हालोल जि. पंचमहल, गुजरात	2631	8-6-85	16-11-87

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राज-पत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	चंदवाणा सह- दाहोद जि. पंच- महल गुजरात	2954	29-6-85	16-11-87

[स. ओ-14016/379/84 - अ.पी.]

[स. ओ-14016/434/84-जी पी]

S.O. 544.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-1987.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above;

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Halol Ta. Halol, Gujarat	2631	8-6-85	16-11-87

[No. O-14016/379/84-GP]

का. आ. 545.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में विनिर्दिष्ट किया गया है और पेट्रोलियम और खनिज (पाइपलाइन भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं;

गैस अथोरिटी आफ इंडिया लि ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

S.O. 545.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur-Chandwana Ta. Dahod in Gujarat State;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-1987;

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from G.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Chandwana Ta. Dahod Distt. Panchmahal, Gujarat	2954	29-6-85	16-11-87

[No. O-14016/434/84-GP]

का. आ. 546.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में विनिर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गए हैं;

गैस अथोरिटी आफ इंडिया लि ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है;

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	गोपीपुरा तह. - हालोल् जि - पंचमहाल गुजरात	2363	1-6-85	16-11-87

[स. ओ. - 14016/436/84 - जी पी]

S.O. 546.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur-Gopipura Ta. Halol in Gujarat State ;

And whereas the Gas Authority of India Ltd. has terminated, the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-1987 ;

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above,

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Gopipura Ta. Halol Dist. Panchmahal Gujarat	2363	1-6-85	16-11-87

[No. O-14016/436/84-GP]

का. आ. 547.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा-बीजापुर से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइप लाइन गैस अथोरिटी आफ इंडिया लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसा लाइन को बिछाने के प्रयोजन के लिए एतदपात्र अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, गैस अथोरिटी आफ इंडिया लि. वर्णन विज्ञापन, आर. सी. दत्त रोड, बड़ोदरा का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुतवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजीरा - बीजापुर - जगदीशपुर पाइप लाइन

राज्य :—गुजरात जिला :—पंचमहाल तालुका : हालोल्

गांव	सर्वे नम्बर	हेक्टेयर	आर.	सेन्टीयर
1	2	3	4	5
गोपीपुरा	293	0	17	00

[स. ओ - 14016/436/84 - जी पी]

S.O. 547.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hazira Bijapur to Jagdishpur in Gujarat State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Darpan Building R. C. Dutt Road, Vadodara-5.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM HAZIRA-BIJAIPUR-JAGDISH-PUR

State : Gujarat District : Panchmahal Taluka : Halol

Village	Survey No.	Hec.	Are	Cent.
Gopipura	293	0	17	00

[No. O—14016/436/84—GP]

का. आ. 548.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवधान स्थापन में, हजीरा - विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड 7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया है।

अन. अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सभ्य अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करने है।

अनुसूची

हजारा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	कांआ०सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	टी बी ता हालोल जि- पंचमहल गुजरात	2068	11-5-85	16-11-87

[स. ओ - 14016/437/84 - जी पी]

S.O. 548.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur Vill. Timbi Ta. Halol Dis. Panchmahal in Gujarat State ;

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Timbi Ta. Halol Dis. Panchmahal Gujarat	2068	11-5-85	16-11-87

[No. O-14016/437/84-GP]

अन. अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सभ्य अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजारा - विजयपुर में जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	कांआ०सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	रताडीया तालुका देवगढद्वारीया जिला - पंचमहल गुजरात	3018	29-6-87	16-11-87

[सं. ओ - 14016/439/84 - जी पी 3]

S.O. 549.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of Petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Ratadiya Taluka-Devgadh-Baria Distt. Panchmahal Gujarat	3018	29-6-85	16-11-87

[No. O-14016/439/84-GP]

का. आ. 549.—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजारा - विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किये गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड 7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 में समाप्त कर दिया है।

का. आ. 550.—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजारा - विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किये गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत मन्त्रम अधिकारी एन.द्वारा उक्त निधि को कार्य समाप्ति की तिथि अधिसूचित करने हैं।

अनुसूची

हजिरा - बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	जाम्बुदी ता. हालोल जि. पंचमहल गुजरात	2545	8-6-1985	16-11-87

[सं. ओ - 14016/443/84 - जी पी]

S.O. 550.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from D. S. Hajira-Bijapur to Jagdishpur Jambudi Ta. Halal P'mahal in Gujarat State

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Jambudi Ta. Halol Dist. Panch-mahal	2545	8-6-85	16-11-87

[No. O-14016/443/84-GP]

का. आ. 551.—यह भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निर्दिष्ट भूमि में व्ययन स्थल स. हजिरा-बीजापुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गए हैं।

जैसा अधिसूचना अधिनियम नि. न उपयुक्त नियम के खंड 7 के उपखंड (1) की धारा (i) में निर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत मन्त्रम अधिकारी एन.द्वारा उक्त निधि को कार्य समाप्ति की तिथि अधिसूचित करने हैं।

अनुसूची

हजिरा - बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मन्त्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	राधनपुर ता. - हालोल जि. - पंचमहल गुजरात	2917	29-6-85	16-11-87

[सं. ओ - 12016/449/84 - जी पी]

S.O. 551.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Kachhala Ta. Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Radhapur Ta. Halol Distt. Panch-mahal Gujarat	2917	29-6-85	16-11-87

[No. O-14016/449/84-GP]

का. आ. 552.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में विनिर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (i) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड 7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	कडचला तालुका हालोल गुजरात	1652	20-4-85	16-11-87

[सं. ओ - 14016/450/84 - जी पी]

S.O. 552.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum and Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d.s. Hajira—Bijapur to Jagdishpur in Kadchala Ta. Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Kadchala Ta. Halol Gujarat	1652	20-4-85	16-11-87

[No. O-14016/450/84-GP]

खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड 7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ०सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	वीन्टोज तालुका गुजरात	2070	11-5-85	16-11-87

[सं. ओ - 12016/450/84 - जी पी]

S.O. 553.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur-Vintoj Ta Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. to H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Vintoj Halol Gujarat	2070	11-5-85	16-11-87

[No. O-14016/450/84-GP]

का. आ. 553.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम

का. आ. 554.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम

1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापना सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किए गए हैं।

गैस अथॉरिटी ऑफ इंडिया लि. ने उपर्युक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम-4 के अंतर्गत मक्षम अधिकारी एतद्वारा उक्त निधि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

संस्थान का नाम	गांव	का.प्र.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	बरबाडा तह-दोहद जि-पंचमहाल गुजरात	4033	31-8-85	16-11-87

[सं. प्रो - 12016/451/84 - जी पी]

S.O. 554.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur-Varbada Tal. Dahad in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Varbada Ta. Dohad Distt. Panchmahal Gujarat	4033	31-8-85	16-11-87

[No. O-14016/451/84-GP]

का. प्र. 555.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है

1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापना सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जन किये गये हैं।

गैस अथॉरिटी ऑफ इंडिया लि. ने उपर्युक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम-4 के अंतर्गत मक्षम अधिकारी एतद्वारा उक्त निधि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

संस्थान का नाम	गांव	का.प्र.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	ताजपुरा तह-डोहद जि-पंचमहाल	1317	30-3-85	16-11-87

[सं. प्रो - 14016/453/84 - जी पी]

S.O. 555.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur-Tajpura-Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. H.B.J.

Name of Ministry	Village	S.N.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Tajpura TA-Halol Distt. P'mahal	1317	30-3-85	16-11-87

[No. O-14016/453/84-GP]

का. प्र. 556.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है

गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिसहन के लिए भूमि उपयोग के अधिकार अर्जित किये गए हैं।

गैस अथोरिटी आफ इंडिया लि. ने उपर्युक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्-द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

संक्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	अभेटवा तालुका-हजारी गुजरात	1509	13-4-85	16-11-87

[सं. ओ - 14016/454/84 - जी पी]

S.O. 556.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S.

Name of Ministry	Village	S.N. No.	Date of Publication in the Gazette of India	Date of termination of operation
Petroleum & Natural Gas	Abhetava Taluka Halol Gujarat	1509	13-4-85	16-11-87

[No. O-14016/454/84-G.P.]

का. आ. 557.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिसहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

जगदीशपुर तक पेट्रोलियम परिसहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथोरिटी आफ इंडिया लि. ने उपर्युक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्-द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

संक्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	इटवाडी तालुका-हजारी गुजरात	1507	13-4-85	16-11-87

[सं. ओ-14016/455/84-जी पी]

S.O. 557.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the gazette of India	Date of termination of operation
Petroleum & Natural Gas	Itwadi Taluka Halol	1507	13-4-85	16-11-87

[No. O-14016/455/84-G.P.]

का. आ. 558.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिसहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.म.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	वर्सादू हालो पंचमहल गुजरात	1318	30-3-85	16-11-87

[सं. ओ - 14016/456/84 - जी पी]

S.O. 558.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of User in land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur Varsada Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India.	Date of termination of operation
Petroleum and Natural Gas	Varsadu Halol Distt. Panchamahall Gujarat	1318	30-3-85	16-11-87

[No. O-14016/456/84-G.P.]

का. आ. 558:—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में अर्जन स्थल सं. हजीरा - विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा - बीजापुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.म.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	नरखंडा तालुका हासोल गुजरात	2069	11-5-85	16-11-87

[सं. ओ - 14016/457/84 - जी पी]

S.O. 559.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of Right of User in land) Rules, 1963 Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India.	Date of termination of operation
Petroleum and Natural Gas	Tarkhardar Taluka Halol	2069	11-5-85	16-11-87

[No. O-14016/457/84-G.P.]

का. आ. 560:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में हजीरा - बीजापुर से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन गैस अथॉरिटी आफ इंडिया लि. द्वारा बिछाई जा रही चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3

की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना प्राणय एतद्द्वारा घोषित किया है।

बगलें कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी आफ इंडिया लि वर्पण विन्डिंग, आर. सी. वन रोड, बडोदरा को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या यह चाहना है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजिरा - बीजापुर - जगदीशपुर पाईप लाईन

राज्य - गुजरात जिला - पंचमहल तालुका - हालोल

गांव	सर्वे नंबर	हेक्टेयर	भार	संस्थीयर
1	2	3	4	5
तर्खंडा	645	0	08	26

[सं. आ - 14016/457/84 - जी पी]

S.O. 560.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hazira Bijaipur to Jagdishpur in Gujarat State pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Darpan Building R. C. Dutt Road, Vadodara-5.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM HAZIRA-BIJAIPUR-JAGDISH-PUR

State : Gujarat District : Panchmahal Taluka : Halol

Villago	Survey No.	Hec.	Are	Cen.
Tarkhanda	645	0	8	26

[NO. O-14016/457/84—G.P.]

का. आ 561 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्वयं सं. हजिरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी आफ इंडिया लि. ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अर्जन सक्षम अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजिरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.म.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	धनसर तहसील-हालोल गुजरात	2366	1-6-85	16-11-87

[सं. आ - 14016/460/84 - जी पी]

S.O. 564.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hazira Bijaipur to Jagdishpur, Dhansar TA. Halol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Dhansar Ta-Halol Gujarat	2366	1-6-85	16-11-87

[No. O-14016/460/84-G.P.]

का. आ. 562 :—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्वयं सं. हजिरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी ऑफ इंडिया लि ने उपयुक्त नियम नं. खंड-7 के उपखंड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि का कार्य समाप्त की तिथि अधिसूचित करने हेतु।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. ग	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति का तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	बावका तह-दाहाद जि.-पंचमहल गुजरात		2367 1-6-85	16-11-87

[स. आ - 14016/164/81 - जी पी]

SO 562—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d/s Hajira Bujapur to Jagdishpur, Baria, F.A. Dohad P'mahal in Gujarat State

And whereas the Gas Authority of India Ltd has terminated the operations referred to in clause (1) of sub-section (1) of section 7 of the said Act on 16-11-87

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D/S H B J

Name of Ministry	Village	S No	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Bayka TA-Dohad Distt Panch Mahal Gujarat	2528	8-6-85	16-11-87

[No. O-14016/464/84-G P.]

का. प्रा. 563—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल स. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गए हैं।

गैस अथॉरिटी ऑफ इंडिया लि ने उपयुक्त नियम के खंड-7 के उपखंड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि का कार्य समाप्त की तिथि अधिसूचित करने हेतु।

अनुसूची

हजीरा - विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का. प्रा. ग	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति का तिथि
1	2	3	4	5
पेट्रोलियम और प्राकृतिक गैस विभाग	नगराला तह-दाहाद जि.-पंचमहल गुजरात		2367 1-6-85	16-11-87

[स. आ - 14016/465/81 - जी पी]

SO 563—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d/s Hajira Bujapur to Jagdishpur Nagarala T.A. Dohad Dist P'mahal Gujarat State

And whereas the Gas Authority of India Ltd has terminated the operations referred to in clause (1) of sub-section (1) of section 7 of the said Act on 16-11-87

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D/S H B J

Name of Ministry	Village	S N. No	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Nagarala TA-Dohad Distt. Panch Mahal Gujarat	2367	1-6-85	16-11-87

[No. O-14016/465/84-G P.]

का. प्रा. 564—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल स. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गए हैं।

गैस अथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-1987 से समाप्त कर दिया गया है।

अतः अन्न पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मध्यम अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा - बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	गडोई तालुका - दाहोद जि - पंचमहाल	2955	29-6-85	16-11-87

[सं. ओ - 14016/168/84 - जी पी]

S.O. 564.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur Gadoi TA. Dohad Dist. P. Mahal in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S. No. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Gadoi TA-Dohad Dist. P. Mahal	2955	29-6-85	16-11-87

[No. O-14016/468/84-G.P.]

का.आ. 565—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निश्चित किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापित सं. हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अन्न पेट्रोलियम पाइपलाइन (भूमि के उपयोग के लिये अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मध्यम अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

हजीरा-बिजयपुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम प्राकृतिक गैस विभाग	भालवा बरे- ता. दाहोद जि. पंचमहाल	3025	29-6-85	16-11-87

[सं. ओ-12016/473/84-जी.पी.]

गुजरात के लिये निम्नान्वर्तित मध्यम अधिकारी

S.O. 565.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur Matva Ta. Dohad in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural P. mahal	Malva Ta. Dohad	3025	29-6-85	16-11-87

[No. O-14016/450/84-GI]

का.आ. 566—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निश्चित किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थापित सं. हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अन्न पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मध्यम अधिकारी एतद्द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाईन कार्य समाप्त

मंत्रालय का नाम	गांव	का. आ. स.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	अडा दरा तालुका कालोड जि पंचमसल गुजरात	3383	20-7-85	16-11-87

[सं. ओ-12016/511/84-जी.पी.]

S.O. 566—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur Matva, TA Dohad in Gujarat State

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Adadra Taluka Distt. P. mahal Gujarat	3383	20-7-85	16-11-87

[No. O-14016/511/84-G.P.]

का. आ. 566—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निरदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निरदिष्ट भूमि में व्ययत स्थल से हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में निरदिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गये हैं।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाईन कार्य समाप्त

मंत्रालय का नाम	गांव	का. आ. स.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	उचवान तालुका देवगढाटिया	3388	20-7-85	16-11-87

[सं. ओ-14016/512/84-जी.पी.]

S.O. 567.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d. s. Hajira Bijapur to Jagdishpur Fral Tal. Kalol in Gujarat State

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S.

Name of Ministry	Village	S.N No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Uchavan Taluka: Devgadha Baria.	3388	20-7-85	16-11-87

[No. O-14016/512/84-G.P.]

का. आ. 567—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निरदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निरदिष्ट भूमि में व्ययत स्थल से हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में निरदिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	भुखी अरे कालोल जी. पंचमहाल गुजरात	2016	11-5-85	16-11-87

[सं. ओ-14016/513/84-जी.पी.]

S.O. 568.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from D. S. Hajra Bijapur to Jagdishpur Bhukhi Ta Kalol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of Publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Bhukhi Ta- Kalol Distt. P' Mahal Gujarat	2016	11-5-85	16-11-87

[No. O-14016/513/84-G.P.]

का.आ. 569—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निदिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निदिष्ट कार्य दिनांक 16-11-86 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	अरे कालोल जी. पंचमहाल गुजरात	2066	11-5-85	16-11-87

[सं. ओ-14016/373/84-जी.पी.]

S.O. 569.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from D. S. Hajra Bijapur to Jagdishpur Eral Ta-Kalol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Eral Ta Kalol Dist. P'mahal Gujarat	2066	11-5-85	16-11-87

[No. O-14016/377/84-GP]

का.आ. 570—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त निदिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में निदिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का.आ. मं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	देवगढ़ ता.सुका -- देवगढ़ बराया जिला-पंचमगय गुजरात	2362	1-6-85	16-11-87

[सं. ओ-14016/377/84-जी.पी.]

S.O. 570.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Devgadh Taluka Devgadh Baria Dist. Panchmahal Gujarat	2362	1-6-85	16-11-87

[No. O-14016/377 84-GP]

का.आ. 571—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-विजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का.आ. मं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	करोली ता. कालोल जी. पंचमगाल गुजरात	1316	30-3-85	16-11-87

[सं. ओ-14016/435/84-जी.पी.]

S.O. 571.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Karoli Kalol Dist. Panchmahal Gujarat	1316	30-3-85	16-11-87

[No. O-14016/435/84-GP]

का.आ. 572—यत भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययक्त स्थल सं. हजीरा-विजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ऑथोरिटी आफ इंडिया लि ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची हजीरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति				
मंत्रालय का नाम	गाँव का आस	भारत के राजपत्र में प्रकाशन की तिथि	राज्य के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कोयडा तालुका जिला-पंचमहाल गुजरात	3394	20-7-85	16-11-87

[सं. ओ-14016/440/84-जी.पी.]

S.O. 572.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur in Gujarat State

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Koyada Taluka Devgad Baria.	3394	20-7-85	16-11-87

[No. O-14016/440/84-GP]

का.आ. 573—यस भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययधन स्थल से हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ओथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची हजीरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति				
मंत्रालय का नाम	गाँव का आस	भारत के राजपत्र में प्रकाशन की तिथि	राज्य के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	वरवाडा त - कोलोव जिला - पंचमहाल गुजरात	2364	1-6-85	16-11-87

[सं. ओ-14016/449/84-जी.पी.]

S.O. 573.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from D. S. Hajira Bijapur to Jagdishpur Varvadu Ta Kalol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Varvadu Ta. Kalol P'mahal Gujarat	2364	1-6-85	16-11-87

[No. O-14016/448/84-GP]

का.आ. 574—यस भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में विनिर्दिष्ट भूमि में व्ययधन स्थल से हजीरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस ओथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. स. भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस	सालियाव बटे-कालोल पंचमहाल गुजरात	2365 1-6-85	16-11-87

[सं. ओ-14016/458/84-जीपी]

S.O. 574.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur Saliyav Ta. Kalol in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Saliyav TA Kalol D. P'mahal Gujarat	2365	1-6-85	16-11-87

[No. O-14016/458/85-GP]

का.आ. 574—यद्यपि भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

जैसा ओथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत तत्काल अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजिरा-बिजयपुर से जगदीशपुर तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ. स. भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	मलाव कालोल पंचमहाल	1510 13-4-85	16-11-87

[सं. ओ-14016/461/84-जी.पी.]

S.O. 575.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Malav Ta. Kalol Dist. P'mahal Gujarat	1510	13-4-85	16-11-87

[No. O-14016/461/84-GP]

का.आ. 575—यद्यपि भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं. हजिरा-बिजयपुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

जैसा ओथोरिटी आफ इंडिया लि. ने उपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत तत्काल अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बीजापुर से जगदीशपुर तक पाइप लाईन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का. प्र. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	उछवाडा तालुका— देवगढ बारीया जि-पंचमहाल गुजरात	3387	20-7-85	16-11-87

[सं. ओ-14016/463/84-जी.पी.]

S.O. 576.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Udhavada Taluka:- Devgad Baria Dist. Panchmalal Gujarat	3387	20-7-85	16-11-87

[No. O-14016/463/84-GP]

का. प्र. 577:—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सलग अनुसूची में निर्दिष्ट किया गया है, और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल से हजीरा-बीजापुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी ऑफ इण्डिया लि० ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बीजापुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गाँव	का. प्र. सं.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	कठला त. दाहोद जी. पंचमहाल गुजरात	30-05	29-6-85	16-11-87

[सं. ओ-14016/45/85-जी.पी.]

S.O. 577.—Whereas, by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira Bijapur to Jagdishpur—Kathala Ta. Dohud in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now, therefore, under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Kthala Ta. Dohud Dist. P'mahal Gujarat	3005	29-6-85	16-11-87

[No. O-14016/45/85-GP]

का० प्र० 578:—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ सलग अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल से हजीरा-बीजापुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किए गए हैं।

गैस अथॉरिटी ऑफ इण्डिया लि० ने उपर्युक्त नियम के खण्ड-7 उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 26-11-87 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बीजापुर से जगदीशपुर तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.स	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	रीछवाणी तालुका— बारीया	2553	8-6-85	16-11-87

[स. ओ-14016/47/85-जी.पी.]

S.O. 578.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule, appended thereto for the transport of petroleum from d.s. Hajira-Bijapur to Jagdishpur in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Richhawani Taluka—Devgadha Baria	2553	8-6-85	16-11-87

[No. O-14016/47/85-GP]

का. आ. 579:—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में निश्चित किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थल सं. हजीरा-बिजापुर से जगदीशपुर तक पेट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथोरिटी आफ इंडिया लि. ने अपयुक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 16-11-87 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

हजीरा-बीजापुर से जगदीशपुर तक पाइप लाईन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.स	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	बोरखेडा दाहोद पंचमहल गुजरात	2998	29-6-85	16-11-87

[स. ओ-14016/65/85-जी.पी.]

राकेश कक्कर, उप सचिव

S.O. 579.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Hajira-Bijapur to Jagdishpur Borkheda TA Dohad Dist. P'mahal in Gujarat State.

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 16-11-87.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D.S. H.B.J.

Name of Ministry	Village	S.N. No.	Date of Publication in the Gazette of India	Date of termination of operation
Petroleum and Natural Gas	Borkheda Ta. Dohad Dist. P'mahal Gujarat	2998	29-6-85	16-11-87

[No. O-14016/65/85-GP]
RAKESH KAKKER, Dy. Secy.

नई दिल्ली, 12 फरवरी, 1988

का. आ. 580:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में गांधार से धुवारण तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 क 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

वशात् कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

गांधार से धुवारण तक पाइप लाइन बिछाने के लिए ।

राज्य-गुजरात जिला-बडौदरा तालुका-पादरा

गांव	ब्लॉक नं०	सर्वे नं०	हेक्टर आर सेन्टीयर
डबका	806	950/पी	01 57 64
	806/बी-5	950/पी	01 32 70
	806/बी-3	950/पी	02 06 10
	978	826	00 11 55
	806/बी-1	950/पी	01 19 71
	977	825	00 03 80
	806/बी-4	950/पी	00 50 68
	1001	848	00 06 49
	1002	849 और 850	00 20 20
	कार्ट ट्रैक	कार्ट ट्रैक	00 03 30
	1009	851 और 860	00 24 00
	1010	861	00 10 21
	1007	857/1 और 857/2	00 00 14
	1008	858 और 859	00 15 31
	806	950/पी	00 47 23

[सं. ओ. 11027/56/88-ओ एन जी-डी-III]

New Delhi, the 12th February, 1988

S.O. 580.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Gandhar to Dhuvaran in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land, may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-(390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GANDHAR TO DHUVARAN

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Survey No.	Hec.	Are	Centiare
Dabka	806	950/P	01	57	64
	806/B-5	950/P	01	32	70
	806/B-3	950/P	02	06	10
	978	826	00	11	55
	806/B-1	950/P	01	19	71
	977	825	00	03	80
	806/B-4	950/P	00	50	68
	1001	848	00	06	49
	1002	849 & 850	00	20	20
	Cart track	Cart track	00	03	30
	1009	851 & 860	00	24	00
	1010	861	00	10	21
	1007	857/1 & 857/2	00	00	14
	1008	858 & 859	00	15	31
	806	950/P	00	47	23

[No. O—11027/56/88—ONG-D-III]

का.आ. 581.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में गांधार से धुवारण तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

वशात् कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिवृत्त: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

गान्धार से धुवारण तक पाईप लाईन बिछाने के लिए राज्य-गुजरात जिला-भरुच तालुका-जंबुसर				
गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
अणखी	526	0	07	50
	347	0	26	26

[सं. ओ-11027/55/88-ओएनजी-डी-III]
के. विवेकानन्द, डेस्क अधिकारी

S.O. 581.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Gandhar to Dhuvaran in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

Any every person making such an objection shall also state specifically whether he wishes to be here in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GANDHAR TO DHUVARAN
State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hec.	Arc	Cen.
Ankhi	526	0	07	50
	347	0	26	26

[No. O-11027/55/88-ONG/D-III]
K. VIVEKANAND, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 31 दिसम्बर, 1987

का. आ. 582.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में, डा. के. जी. बिरादर को गुलबर्गा विश्वविद्यालय की सीनेट द्वारा, इस अधिसूचना के जारी किए जाने की तारीख से

भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के भूत-पूर्व स्वास्थ्य मंत्रालय की अधिसूचना स. का. आ. 138 (सं. 5-13/59-एम. आई.), तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के नीचे, क्रम सं. 65 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम सं. और प्रविष्टियां अन्तः स्थापित की जाएंगी, अर्थात्:—

“66 डा. के. जी. बिरादर,
एम. बी. नगर,
सदम रोड एक्सटेंशन,
गुलबर्गा, कर्नाटक राज्य”।

[सं. बी. 11013/12/85-एम. ई. (पी.)]

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 31st December, 1987

S.O. 582.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. K. G. Biradar has been elected by the Senate of University of Gulbarga to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Govt. of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/59-MI), dated the 9th January, 1960, namely:—

In said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” after serial number 65 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

“66 Dr. K. G. Biradar,
M. B. Nagar, Sadam Road Extension,
Gulbarga, Karnataka State”.

[No. V-11013/12/85-ME(P)]

(स्वास्थ्य विभाग)

नई दिल्ली, 15 फरवरी 1988

का. आ. 583.—केन्द्रीय सरकार ने, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा-3 की उपधारा (1) के खण्ड (क) के अनुसरण में और त्रिपुरा सरकार के परामर्श से डा. आर. वत्ता, विशेष सचिव, स्वास्थ्य और परिवार कल्याण विभाग, त्रिपुरा को, इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् का सदस्य नामनिर्दिष्ट किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में, स्वास्थ्य मंत्रालय की अधिसूचना संख्या 1. आ. 138, तारीख

9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “धारा 3(1)(क) के अधीन नाम-निर्दिष्ट” शीर्षक के नीचे क्रम संख्या 21 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टियां अंतः स्थापित की जाएगी, अर्थात्:—

“22. डा. आर. दत्ता,

विशेष सचिव,

स्वास्थ्य और परिवार कल्याण विभाग,

त्रिपुरा सरकार, अगरतला”।

[संख्या बी. 11013/49/87-एम.ई.(पी)]

आर. श्री निवासन, अवर सचिव

(Department of Health)

New Delhi, the 15th February, 1988

S.O. 583.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Tripura have nominated Dr. R. Datta, Special Secretary, Health & Family Welfare Department, Tripura to be a member of the Medical Council of India with effect from the date of issue of this notification;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Nominated under section 3(1)(a) after serial number 21 and the entries relating thereto, the following serial number and entries shall be inserted namely:—

“22. Dr. Rao Datta,

Special Secretary,

Health & Family Welfare Department,

Govt. of Tripura, Agartala”.

[No. V-11013/49/87-ME(P)]

R. SRINIVASAN, Under Secy.

नई दिल्ली, 2 फरवरी, 1988

का. आ. 584.—केन्द्रीय सरकार ने भारतीय आयु-विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ड) का अनुसरण करते हुए, लैफ्टिनेंट जनरल जगदीश नारायण, महानिदेशक, सशस्त्र सेना चिकित्सा सेवा, नई दिल्ली को (पदनाम द्वारा) भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में नामनिर्दिष्ट किया है;

और लैफ्टिनेंट जनरल जगदीश नारायण की सेवा निवृत्ति के परिणाम स्वरूप लैफ्टिनेंट जनरल के. डी. कपूर ने सशस्त्र सेना चिकित्सा सेवा, नई दिल्ली के महानिदेशक के रूप में कार्यभार संभाल लिया है;

अतः अब धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार पूर्ववर्ती स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या 5-13/59—एम आई का. आ. 138, तारीख 16 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ड) के अधीन नामनिर्दिष्ट शीर्षक के अधीन क्रम सं. 4, के सामने की प्रविष्टि में “लैफ्टिनेंट जनरल जगदीश नारायण” के स्थान पर “लैफ्टिनेंट जनरल के. डी. कपूर” शब्द रखे जाएंगे।

[सं. बी. 11013/1/88-एम. ई. (पी)]

New Delhi, the 2nd February, 1988.

S.O. 584.—Whereas the Central Government has in pursuance of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Lt General Jagdish Narayan, Director-General, Armed Forces Medical Services, New Delhi (by designation) as a member of the Medical Council of India;

And whereas, consequent on the retirement of Lt. General Jagdish Narayan Lt. General K. D. Kapur has taken over as the Director-General Armed Forces Medical Services, New Delhi.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960 No. S.O. 138, dated the 16th January, 1960, namely:—

In the said notification, under the heading “Nominated under clause (e) of sub-section (1) of section 3, in the entry against serial number 4, for the words “Lt. General Jagdish Narayan” the words “Lt. General K. D. Kapur” shall be substituted.

[No. V.11013/1/88-ME(P)]

का. आ. 585.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में, डा. पी. एन. सोमानी, अध्यक्ष, आयुर्विज्ञान संकायों को, इस अधिसूचना के जारी किए जाने की तारीख से भारतीय आयुर्विज्ञान परिषद् का सदस्य, काशी हिंदू विश्वविद्यालय की सभा (कोर्ट) द्वारा निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138 (सं. 5-13/59—एम आई), तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित” शीर्षक के नीचे, क्रम सं. 26 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टि रखी जाएगी, अर्थात्:—

“26. डा. पी. एन. सोमानी,

अध्यक्ष, आयुर्विज्ञान संकाय,

काशी हिंदू विश्वविद्यालय,

वाराणसी”।

[सं. बी.—11013/27/87-एम ई (पी)]

S.O. 585.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. P. N. Somani, Dean Faculty of Medicine has been elected by the Court of Banaras Hindu University to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Govt. of India in the late Ministry of Health, No. S. O. 138. (No. 5-13/59-MI), dated the 9th January, 1960 namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 26 and the entry relating thereto the following serial number and entry shall be substituted, namely :—

"26. Dr. P. N. Somani,
Dean, Faculty of Medicine,
Banaras Hindu University,
Varanasi."

[No. V-11013/27/87-MF(P)]

का. आ. 586.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के उपबंधों के अनुसरण में और केरल सरकार के परामर्श से डा. जी. गाना कुमारी, आयुर्विज्ञान शिक्षा निदेशक, त्रिवेन्द्रम को, इस अधिसूचना के जारी किए जाने की तारीख से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में नामनिर्दिष्ट किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना का. आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "धारा 3 (1) (क) के अधीन नामनिर्दिष्ट" शीर्षक के अधीन क्रम सं. 3 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टि रखी जाएगी, अर्थात्:—

"3 डा. जी. गानाकुमारी,
आयुर्विज्ञान शिक्षा निदेशक,
केरल सरकार, त्रिवेन्द्रम"

[सं. बी.—11013/8/87—एम ई (पी)]

S.O. 586.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Kerala have nominated Dr. G. Santha Kumari, Director of Medical Education Trivandrum to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Ministry of Health No. S.O. 138, dated the 9th January, 1960 namely :—

In the said notification, under the heading "Nominated under section 3(1)(a)" for serial number 3 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—
438 GI/88—8.

"3. Dr. G. Santha Kumari,
Director of Medical Education,
Government of Kerala,
Trivandrum"

[No. V-11013/8/87-ME(P)]

का. आ. 587.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में, डा. बी. एम. गोस्वामी प्रधानाचार्य, गोहाटी मैडिकल कॉलेज को इस अधिसूचना के जारी किए जाने की तारीख से भारतीय आयुर्विज्ञान परिषद का सदस्य गोहाटी विश्वविद्यालय की सभा (कोर्ट) द्वारा निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138 (सं. 5-13/59 एम आई) तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के नीचे, क्रम सं. 15 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टि रखी जाएगी, अर्थात्:—

"15. डा. बी. एम. गोस्वामी,
प्रधानाचार्य, गोहाटी मैडिकल कॉलेज,
गोहाटी"

[सं. बी.—11013/74/87—एम ई (पी)]
सर्वेश्वर झा, उप सचिव

S.O. 587.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. B. M. Goswami, Principal, Gauhati Medical College has been elected by the Court of University of Gauhati to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Govt. of India in the late Ministry of Health, No. S. O. 138. (No. 5-13/59-MI), dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 15 and the entry relating thereto the following serial number and entry shall be substituted, namely :—

"15. Dr. B. M. Goswami,
Principal, Gauhati Medical College,
Gauhati."

[No. V-11013/74/87-ME(P)]
SARWESHWAR JHA., Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 8 फरवरी, 1988

स्टाम्प

का.आ. 588:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा ऊषा मार्टिन इंडस्ट्रीज लिमिटेड, कलकत्ता को मात्र (1) तिगसी हजार तीन सौ एक रुपये (ii) एक लाख इकत्तीस हजार दो सौ पचास रुपये (iii) मान लाख तीन हजार एक सौ पच्चीस रुपये के उस भमेकित स्टाम्प शुल्क की अदायगी करने की अनुमति देती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले (i) 1,11,06,800 रुपये के कुल नाममात्र मूल्य के 100-100 रुपये के 12 प्रतिशत विमोक्ष्य आरक्षित ऋणपत्र (ii) 1,75,00,000 रुपये के कुल नाममात्र मूल्य के 100-100 रुपये के 15 प्रतिशत आरक्षित सम्परिवर्तनीय ऋण पत्र (iii) 9,37,50,000 रु. के कुल नाममात्र मूल्य के 100-100 रुपये के 13.5 प्रतिशत आरक्षित सम्परिवर्तनीय ऋणपत्र पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 5/88-स्टाम्प फा. सं. 33/2/88-वि. क.]

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 8th February, 1988

STAMPS

S.O. 588.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Usha Martin Industries Limited, Calcutta to pay consolidated stamp duty of rupees (i) eighty three thousand three hundred and one (ii) Rs. one lakh thirty one thousand two hundred and fifty (iii) Rs. Seven lakhs three thousand one hundred and twenty five only, chargeable on account of the stamp duty on (i) 12 per cent Redeemable Secured Debentures of Rs. 100 each aggregating nominal value of Rs. 1,11,06,800 (ii) 15% Secured Non-Convertible Debentures of Rs. 100 each aggregating nominal value of Rs. 1,75,00,000, (iii) 13.5 per cent Secured Non-Convertible Debentures of Rs. 100 each aggregating nominal value of Rs. 9,37,50,000 to be issued by the said Company.

[No. 5/88-Stamp-F. No. 33/2/88-ST]

आदेश

स्टाम्प

का.आ. 589:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उम शुल्क को माफ करती है जो ग्रामीण विद्युतीकरण निगम लिमिटेड, दिल्ली द्वारा केवल एक सौ पचास करोड़ रुपये के मूल्य के 9 प्रतिशत कर मुक्त आरक्षित विमोक्ष्य बंधपत्र-1997 के रूप में विनिर्दिष्ट ऋणपत्रों

के स्वरूप के जारी किए जाने वाले बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभार्य है।

[सं. 6/88-स्टाम्प-फा. सं. 33/3/88-वि. क.]

ORDER

STAMPS

S.O. 589.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as 9 per cent Tax Secured redeemable bonds—1997 to the value of rupees one hundred fifty crores only to be issued by Rural Electrification Corporation Ltd, Delhi are chargeable under the said Act.

[No. 6/88-Stamp-F No. 33/3/88-ST]
B. R. MEHMI, Under Secy.

आदेश

स्टाम्प

का. आ. 590:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उम शुल्क को माफ करती है जो तमिलनाडु परिवहन विकास वित्त निगम लिमिटेड द्वारा जारी किए जाने वाले केवल पचपन लाख रुपये के मूल्य के टी. डी. एफ. सी. 9 प्रतिशत बंधपत्र 1999 के रूप में यथा विनिर्दिष्ट ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभार्य है।

[सं. 88-स्टाम्प फा. सं. 83/34/85 वि. क.]

बी. आर. मेहमी, अवर सचिव

ORDER

STAMPS

S.O. 591.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as "11 per cent debentures 2002xxx series" to the value of rupees nineteen crores and ninety seven lakhs only to be issued by Housing and Urban Development Corporation Limited, New Delhi are chargeable under the said Act.

[No. 8/88-Stamp-F. No. 33/4/88-ST]
B. R. MEHMI, Under Secy.

आदेश

नई दिल्ली, 15 फरवरी, 1988

स्टाम्प

का. आ. 591:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो आवास और शहरी विकास निगम लिमिटेड, नई दिल्ली द्वारा जारी किए जाने वाले केवल उन्नीस करोड़ और सत्तानवे लाख रुपये के मूल्य के "11 प्रतिशत ऋणपत्रों

2002 ***शृङ्खला" के रूप में यथा विनिर्दिष्ट ऋण पत्रों के स्वरूप के बंधनों पर उक्त अधिनियम के अन्तर्गत प्रभाव है।

[सं. 8/88-स्टाम्प का. सं. 33/4/88--बि.क.]

(Department of Revenue)

New Delhi, the 15th February, 1988

ORDER

STAMPS

S.O. 591.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as TDFC 9 percent Bonds 1999 to the value of rupees fifty five lakhs only to be issued by Tamilnadu Transport Development Finance Corporation Limited as are chargeable under the said Act.

[No. 7/88-Stamp-F. No. 33/34/88-ST]

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 30 दिसम्बर 1987

आयकर

का. आ. 592 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2क की उप-धारा, (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा पहले जारी की गई अधिसूचनाओं में आंशिक संशोधन करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट अधिकार-क्षेत्र के आयकर आयुक्त (अपील) स्तम्भ (2) की तत्संबन्धी संगत प्रविष्टियों में विनिर्दिष्ट आयकर वार्डों, परिमंडलों जिलों और रेंजों में आयकर अधवा अतिकर या ब्याज कर से निर्धारित ऐसे व्यक्तियों के बारे में अपना कार्य निर्वहन करेंगे जो आयकर अधिनियम, 1961 की धारा 246 की उप धारा 2 के खण्ड (क) से (ज), कम्पनी (लाभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा द्वारा (i) तथा ब्याजकर अधिनियम, 1974 (1974 का 45) में उल्लिखित किसी भी आदेश से व्यक्ति हुए हैं और ऐसे व्यक्तियों या व्यक्तियों की श्रेणियों की बाबत भी कार्य निर्वहन करेंगे जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (2) के खंड (1) के उपबन्धों के अनुसार निर्देश दिया है या भविष्य में निदेश दें।

अनुसूची

अधिकार क्षेत्र तथा आयकर बोर्ड/परिमंडल/जिले/रेंज प्रधान कार्यालय

1	2
आयकर आयुक्त (अपील)-VIII नई दिल्ली	1. नि. रां. आ. (क. नि.) केन्द्रीय रेंज-II नई दिल्ली। 2. आयकर अधिकारी, केन्द्रीय परिमंडल-II

1	2
	3. आयकर अधिकारी, केन्द्रीय परिमंडल-III
	4. आयकर अधिकारी, केन्द्रीय परिमंडल-IV
	5. आयकर अधिकारी, केन्द्रीय परिमंडल-VI
	6. आयकर अधिकारी, केन्द्रीय परिमंडल-VII
	7. आयकर अधिकारी, केन्द्रीय परिमंडल-XVI
	8. आयकर अधिकारी, केन्द्रीय परिमंडल-VXII
	9. आयकर अधिकारी, केन्द्रीय परिमंडल-XXI
2. आयकर आयुक्त (अपील) IX, नई दिल्ली	1. नि. स. आ. (क. नि.) केन्द्रीय रेंज-I नई दिल्ली
	2. नि. ग. आ. (क. नि.) केन्द्रीय रेंज-III, नई दिल्ली
	3. नि. रां. आ. (क. नि.) केन्द्रीय रेंज-V, नई दिल्ली
	4. नि. स. आ. (क. नि.), केन्द्रीय रेंज VI, नई दिल्ली
	5. नि.स.आ.(क.नि.) रेंज XVII, नई दिल्ली
	6. आयकर अधिकारी, केन्द्रीय परिमंडल -X
	7. आयकर अधिकारी, केन्द्रीय परिमंडल XI
	8. आयकर अधिकारी, केन्द्रीय परिमंडल-XII
	9. आयकर अधिकारी, केन्द्रीय परिमंडल-XIII
	10. आयकर अधिकारी, केन्द्रीय परिमंडल-XIV
	11. आयकर अधिकारी, केन्द्रीय परिमंडल -XV
	12. आयकर अधिकारी, केन्द्रीय परिमंडल-XVIII
	13. आयकर अधिकारी, केन्द्रीय परिमंडल-XIX
	14. आयकर अधिकारी, केन्द्रीय परिमंडल-XX
	15. आयकर अधिकारी, केन्द्रीय परिमंडल-XXV
	16. आयकर अधिकारी, केन्द्रीय परिमंडल-XXVI

1	2
	17 आयकर अधिकारी, ट्रस्ट परिमण्डल—I
	18. आयकर अधिकारी, ट्रस्ट परिमण्डल—II
	19. आयकर अधिकारी, ट्रस्ट परिमण्डल—III
	20. आयकर अधिकारी, ट्रस्ट परिमण्डल—IV
	21. आयकर अधिकारी, ट्रस्ट परिमण्डल—V
3. आयकर आयुक्त (अपील) XIII नई दिल्ली	1. नि. स. आ. (क. नि.) केन्द्रीय रेंज—IV नई दिल्ली ।
	2. आयकर अधिकारी, केन्द्रीय परिमण्डल —I नई दिल्ली ।
	3. आयकर अधिकारी, केन्द्रीय परिमण्डल —V, नई दिल्ली
	4 आयकर अधिकारी, केन्द्रीय परिमण्डल—VIII, नई दिल्ली ।
	5. आयकर अधिकारी, केन्द्रीय परिमण्डल—IX, नई दिल्ली ।
	6 आयकर अधिकारी, केन्द्रीय परिमण्डल XXII, नई दिल्ली ।
	7. आयकर अधिकारी, केन्द्रीय परिमण्डल XXIII, नई दिल्ली ।
	8. आयकर अधिकारी, टी.डी.एम. परिमंडल I से V, नई दिल्ली ।
	9. नि. स. आ. रेंज VIख, नई दिल्ली ।
	10. आयकर अधिकारी जी. एम. सी. I से जी. एम. सी. X, नई दिल्ली
	11. आयकर अधिकारी पी. एम. सी. I से पी. एम. सी. X, नई दिल्ली ।
	12. आयकर अधिकारी, केन्द्रीय परिमण्डल, मेरठ ।
	13. आयकर अधिकारी, केन्द्रीय परिमण्डल, गाजियाबाद ।

यह अधिसूचना दिनांक 1-1-1988 से लागू होगी ।

[स. 7679/फा. स. 261(31)/87 आ. क. (न्या.)]
सुरेन्द्र पाल, अवसर सचिव (न्या.)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 30th December, 1987

(INCOME-TAX)

S. O. 592.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in partial

modifications of the notifications issued earlier, the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals) of the Charge specified in column No. (1) of the schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in Column 2 thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961 in sub-section (1) of Section 11 of Companies (Profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (1) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Head Quarters	Income-tax Wards/ Circles/Districts Ranges
1	2
1. Commissioner of Income-tax (Appeals) VIII. New Delhi.	1. IAC (Asstt.) Central Range-II. New Delhi.
	2. ITO, Central Circle-II
	3. ITO, Central Circle-III
	4. ITO, Central Circle-IV
	5. ITO, Central Circle-VI
	6. ITO, Central Circle-VII
	7. ITO, Central Circle-XVI
	8. ITO, Central Circle-XVII
	9. ITO, Central Circle-XXI
2. Commissioner of Income-tax (Appeals)—IX. New Delhi.	1. IAC (Asstt.) Central Range-I, New Delhi.
	2. IAC (Asstt.) Central Range-III, New Delhi.
	3. IAC (Asstt.) Central Range-V, New Delhi.
	4. IAC (Asstt.) Central Range-VI, New Delhi.

1	2	1	2
	5. IAC (Asstt.) Range-XVII, New Delhi.		10. ITO, G.S.C I to G.S.C.X, New Delhi.
	6. ITO, Central Circle-X		11. ITO, P.S.C.1 to P.S.C.X, New Delhi.
	7. ITO, Central Circle-XI		12. ITO, Central Circle, Meerut.
	8. ITO, Central Circle-XII		13. ITO, Central Circle, Ghaziabad.
	9. ITO, Central Circle-XIII	This notification shall take effect from 1-1-88.	
	10. ITO, Central Circle-XIV	[No. 7679/F.No. 761/31/87—IT.]	
	11. ITO, Central Circle-XV	SURENDER PAUL, Under Secy.	
	12. ITO, Central Circle-XVIII	(आर्थिक कार्य विभाग)	
	13. ITO, Central Circle-XIX	(वैकिंग प्रभाग)	
	14. ITO, Central Circle-XX	नई दिल्ली, 16 फरवरी, 1988	
	15. ITO, Central Circle-XXV	का. आ. 593 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 ख की उप-धारा (1) और (2) के उपबन्ध रत्नाकर बैंक लि. कोल्हापुर पर, दिनांक 15 जनवरी, 1988 से 14 अप्रैल, 1988 तक तीन महीने की अवधि के वास्ते अथवा बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।	
	16. ITO, Central Circle-XXVI	[सं. 15/1/88 बी. ओ. III(1)]	
	17. ITO, Trust Circle-I	(Department of Economic Affairs)	
	18. ITO Trust Circle-II	(Banking Division)	
	19. ITO, Trust Circle-III	New Delhi, the 16th February, 1988	
	20. ITO, Trust Circle-IV	S.O. 593.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Ratnakar Bank Ltd., Kolhapur for a period of three months from 15th January, 1988 to 14th April, 1988 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.	
	21. ITO, Trust Circle-V	[No. 15/1/88-B.O.III(1)]	
3. Commissioner of Income-tax (Appeals)—XIII, New Delhi.	1. IAC (Asstt.) Central Range-IV, New Delhi.	का. आ. 594.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उप-धारा (9) के उपबन्ध रत्नाकर बैंक लि., कोल्हापुर पर दिनांक 15 जनवरी, 1988 से 14 अप्रैल, 1988 तक अथवा बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इसमें से जो भी पहले हो उस सीमा तक लागू नहीं होंगे जहां तक अध्यक्ष	
	2. ITO, Central Circle-I, New Delhi.		
	3. ITO, Central Circle-V, New Delhi.		
	4. ITO, Central Circle-VIII, New Delhi		
	5. ITO, Central Circle-IX, New Delhi.		
	6. ITO, Central Circle-XXII, New Delhi.		
	7. ITO, Central Circle-XXIII, New Delhi.		
	8. ITOTDS Circle-I to V, New Delhi.		
	9. IAC, Range-VI-B, New Delhi.		

और मुख्य प्रकार्यपालक अधिकारी का कार्य करने के वास्ते बैंक को, चार महीने से अधिक की अवधि के वास्ते किसी व्यक्ति को नियुक्त करने की छूट प्राप्त है।

[संख्या 15 / 1 / 88-बी. ओ. III(2)]

S.O. 594.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Ratnakar Bank Ltd., Kolhapur from 15th January, 1988 to 14th April, 1988 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

[No. 15/1/88-B. O. III(2)]

का. आ. 595:—यतः, बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने नेशनल बैंक आफ लाहौर लि., दिल्ली के भारतीय स्टेट बैंक के साथ विलय के लिए 20 फरवरी, 1970 को एक योजना मंजूर की थी।

यतः, उक्त योजना के खण्ड 6 के उपखण्ड (IX) के अधीन भारतीय स्टेट बैंक द्वारा नेशनल बैंक आफ लाहौर लि., दिल्ली को परिसम्पत्तियों का अंतिम रूप से मूल्यांकन नियत तारीख से बारह वर्षों की समाप्ति के पश्चात अपेक्षित था जो कि नियत तारीख को अन्तर्निमित्त रूप से मूल्यांकित कर लिया गया है।

यतः, भारतीय स्टेट बैंक ने यह अभ्यावेदन किया है कि बड़ी संख्या में परिसम्पत्तियाँ अत्यंत हानि और बैंक के प्रयासों के बावजूद अधिकांश भागों को वसूलियाँ अभी बाकी होने के कारण बैंक, विलय योजना के खंड 6 के उपखंड (IX) में निर्दिष्ट समय के भीतर परिसम्पत्तियों का अंतिम रूप से मूल्यांकन करने में असमर्थ रहा है।

और, यतः, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के बाद इस बात से संतुष्ट है कि विलय योजना का लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ा कर जिनमें परिसम्पत्तियों का अंतिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है।

अतः, अब, नेशनल बैंक आफ लाहौर लि., दिल्ली के भारतीय स्टेट बैंक के साथ विलय की 20 फरवरी, 1970 की विलय योजना के खंड 21 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निर्देश देती है कि भारतीय स्टेट बैंक भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से नेशनल बैंक आफ लाहौर लि., दिल्ली की उन परिसम्पत्तियों का, जिनकी वसूली और मूल्यांकन नहीं हुआ है, नियत तारीख से उन्नीस वर्षों की अवधि के भीतर मूल्यांकन करेगा।

[संख्या 17 / 6 / 82—बी. ओ. III]

प्राण नाथ, अवसर सचिव

S.O. 595.—Whereas on 20th February, 1970 a scheme of amalgamation of the National Bank of Lahore Ltd., Delhi with State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with section 45 of the Banking Regulation Act, 1949.

Whereas, under Subclause (ix) of Clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the National Bank of Lahore Ltd., Delhi, which have been provisionally valued on the prescribed date on the expiry of twelve years from the prescribed date

Whereas, the State Bank of India has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (IX) of Clause 6 of the Scheme of amalgamation.

And, whereas, the Central Government in consultation with the Reserve Bank of India is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which it is necessary to remove by extending the time within which the final valuation of assets is required to be made.

Now, therefore, in exercise of the powers conferred by clause 21 of the Scheme of amalgamation dated 20-2-1970 of the National Bank of Lahore Ltd., Delhi with the State Bank of India, the Central Government hereby directs that the State Bank of India shall in consultation with and with the approval of the Reserve Bank of India value the assets of the National Bank of Lahore Ltd., Delhi which have not been realised and valued, within a period of nineteen years from the prescribed date.

[No. 17/6/82-B. O. III]

PRAN NATH, Under Secy.

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 2 मार्च, 1988

का.आ. 596:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने तमिलनाडु दूरसंचार संचालक के पेदप्पमपट्टी, तिरुचेन्नूर तथा सेवल-पट्टी; गुजरात दूरसंचार संचालक के लूणावाडा तथा आहवा; महाराष्ट्र दूरसंचार संचालक के रोहा तथा गडचिरोली पंजाब दूरसंचार संचालक के मोंड़; मध्य प्रदेश दूरसंचार संचालक के नागदा; और उत्तर प्रदेश दूरसंचार संचालक के उमानी टेलीफोन केन्द्रों में दिनांक 15-3-1988 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-1/88-पी.एच.बी.]

पी.आर. कारड़ा, सहायक महानिदेशक (पी.एच.बी.)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 2nd March, 1988

S.O. 596.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960 the Director General, Department of Telecommunications, hereby specifies (5-3-1988 as the date on which the Measured Rate System will be introduced in Pedappampatti, Tiruchendur and Sevalpatti Telephone Exchanges under Tamil Nadu Telecom. Circle; Lunawada and Ahwa Telephone Exchanges under Gujarat Telecom. Circle; Roha and Gadchiroli Telephone Exchanges under Maharashtra Telecom. Circle; Maur Telephone

Exchange under Punjab Telecom. Circle, Nagda Telephone Exchange under Madhya Pradesh Telecom. Circle; and Ujjain Telephone Exchange under Uttar Pradesh Telecom. Circle.

[No. 5-1/88-PIIB]

P. R. KARRA, Asstt. Director General(PIIB)

(श्रम मन्त्रालय)

नई दिल्ली, 3 फरवरी, 1988

का. अ. 597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बचरा कोलियरी मैनेजमेंट्स कोलफील्ड्स लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण प. 2, धनबाद के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 18-1-88 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 3rd February, 1988

S.O. 597.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bachra Colliery of M/s. Central Coalfields Ltd and their workmen, which was received by the Central Government on 18th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri I. N. Sinha,—Presiding Officer.

Reference No. 185 of 1987

In the matter of Industrial Dispute under Section 10 (1)(d) of the I.D. Act., 1947.

PARTIES:

Employers in relation to the management of Bachra Colliery of M/s. C.C. Ltd. and their workmen.

APPEARANCES:

On behalf of the workmen.—Shri Ashok Kumar, the concerned workman himself.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 14th January, 1988.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (204)/86-D.IV(B), dated, the 29th June, 1987.

SCHEDULE

“Whether the action of the Management of Bachra Colliery of M/s. Central Coalfields Ltd. in termi-

nating the services of Shri Ashok Kumar, Loader w.e.f. 13/22-11-76 and not allowing him to join duty on 8-9-83 was justified? If not, to what relief the workman is entitled?”

In this reference none of the parties filed their respective W.S. Ultimately on 28-12-87 both the parties appeared before me and filed a Joint Compromise petition. I heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-24012/204/88-D.IV(B)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD.

In the matter of Reference No. 185 of 1987 arising out of Order No. L-24012(204)/86-D.IV(B) dated 29-6-87 of the Ministry of Labour, Government of India, New Delhi.

PARTIES:

Employers in relation to the Management of Bachra Colliery of M/s. Central Coalfields Limited, P.O. Bachra, Dist. Hazaribagh.

AND

Their workman.

Joint Compromise Petition of the Employers and the Workman.

The above mentioned Employers and their workman most respectfully beg to submit jointly as follows:—

- (1) That the Employers and the workman have jointly negotiated the matter referred to this Hon'ble Tribunal vide the aforesaid reference order with a view to coming to a mutually acceptable and amicable settlement on an overall basis.
- (2) That as a result of such mutual negotiations it was agreed between the two parties as follows:—

- (a) That Sri Ashok Kumar, the workman concerned will be given fresh employment at Dakra project as a piece rated worker in PR Loader Group VA on humanitarian consideration on account of his having produced document to show that he has since recovered.
- (b) That no back wages or any other benefits whatsoever would be admissible to him in respect of his past services.
- (c) That this is an overall agreement in full and final settlement of all the claims of the workman and the sponsoring Union arising out of the aforesaid reference.

- (3) That the above agreement has been implemented and the workman concerned has been provided employment at Dakra project as a piece rated worker in PR loader Group VA with effect from 23-12-1987.

- (4) That the Employers and the workman concerned consider the above agreement as fair, just and reasonable to both the parties.

In view of the above, both the parties jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of this joint compromise petition and dispose of the reference accordingly. And for this both the parties as in duty bound shall ever pray.

Sd/-

(K MISHRA), Secy. RCMS

(N. K. AREA), Dakra,

for and on behalf of

workman.

Sd/-

(ASHOK KUMAR)

Workman concerned

Sd/

General Manager, N. K. Area

Central Coalfields Limited

for and on behalf of the

Employers.

S. D. SINGH, Dy. Chief

Personnel Manager

N. K. Area, Dakra

Central Coalfields Limited

For and on behalf of the Employers

(S. MURTY), Advocate

Dhanbad.

witnesses : (1) Sd/-

(2) Sd/-

Dated at Dakra, the 19th day of December, 1987.

I. N. SINHA, Presiding Officer

[No. L-24012/204/88-D-IV(B)]

नई दिल्ली, 10 फरवरी, 1988

का. आ. 598:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार व सेंट्रल कोलफील्ड्स लिमि., तलचर, जिला धनकानाल (उड़ीसा) के प्रबंधन में सम्बन्धित नियो-जकों और उनके कर्मचारियों के बीच, अनुवध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-88 को प्राप्त हुआ था।

New Delhi, the 10th February, 1988

S.O. 598.—In pursuance of section 17 of the Industrial Dispute Acts, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Coalfields Ltd., Talcher, District Dhenkanal and their workmen, which was received by the Central Government on the 28th January, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri S. K. Misra, LL.B, Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 15 of 1984 (Central)

Dated, Bhubaneswar, the 29th December, 1987

BETWEEN

The Management of Central Coalfields, Ltd., Talcher, District, Dhenkanal.

.....First Party—Management.

AND

Their workman Shi Kapila Behera. Represented by the President, Orissa Coalfield Labour Union, Deulbera Colliery, Talcher, District Dhenkanal.

..... Second Party—Workman.

APPEARANCES :

Sri P. Satya Vasu, Sr. Personnel Officer, Sri P. B. K. Rao, Dy. Chief Personnel Manager—For the Management.

Sri P. C. Sahoo, President of the Union—For the Workman

AWARD

1. The Government of India, Ministry of Labour and Rehabilitation Department, in exercise of powers conferred upon them under sub-section (5) of section 12 read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes, 1947 (14 of 1947) have referred the following dispute vide their Order No. L-19012(26)/84-D.IV(B) dated 18th October, 1984 for adjudication :—

"Whether the action of the Management of Central Coalfields Limited, Talcher in retiring Sri Kapila Behera from service with effect from 16th July, 1983 is justified? If not, to what relief the workman is entitled?"

2. The case of the First Party—Management is that when the second party—workman Sri Kapila Behera entered into their employment his date of birth was duly entered in his service record as 16th July, 1923. There was a medical examination conducted for ascertaining his age as he could not produce any proof in support of the same and accordingly the age was mentioned in his service record. The second party never questioned his date of birth as recorded in the service register and was duly retired with effect from 16th July, 1983 on his attaining the age of 60 years. Before his retirement, the second party had made an application to the First Party—Management for giving an employment to his son and at that time he had accepted his date of superannuation as correct but as his son could not be employed the second party, being ill-advised, raised this dispute questioning his date of birth which had been mentioned in his service register.

The Management stoutly denied the assertion of the second party—workman that his date of birth is 16th July, 1932 and not 16th July, 1923. With regard to the plea of the second party—workman that his elder brother Baishnab Behera who joined the employment of the First Party—Management on the same day alongwith him, is continuing in employment while he had been retired on superannuation it was stated on behalf of the Management that they had no knowledge that the said Baishnab Behera is the brother of the second party—workman and besides they contended that the said fact is not relevant for adjudication of the present dispute.

3. The case of the second party—workman is that he was appointed as a Timber Mazdoor, Category-II in Deulbera Colliery on 5th September, 1965. His elder brother Baishnab Behera was also appointed on the same day in the Deulbera Colliery as a loader. Both the brothers were illiterate and ignorant and therefore at the time of their employment they had given their respective approximate date of birth which was recorded by the Officers of the Management in the service records. It is the further case of the workman that when he was served with the order of termination of his employment on retirement, he was misguided and tempted by the Senior Personnel Officer to get his son employed in his place and accordingly he signed the application forms in triplicate which were supplied and filled in by the Officers of the said Management. He could however know the real position and approached the Union which sent a representation to the concerned Management on 7th July, 1983 demanding rectification of his date of birth. The Management did not respond and therefore, he raised the dispute before the appropriate authority which was admitted to conciliation. The conciliation having failed, the present reference was made.

4. The points which arise for determination in this reference in view of the respective cases advanced by the parties are :

- (i) Whether the second party—workman had attained the age of 60 years on 16th July, 1983 so as to be retired on superannuation?
- (ii) To what relief, the second party, is entitled?

FINDINGS

5. Point No. 1.—While adjudicating the present dispute in consideration of the case advanced by each party, it is to be kept in mind that the dispute relates to the age of superannuation of a workman who was a low-grade employee of the First Party and illiterate.

In support of the case advanced by the First Party—Management three witnesses have been examined on their behalf and besides, the documents exhibited as Exts. A to F have been relied on. M.W. 1 is a Senior Clerk of the office of the Project Officer, Deulbera Colliery and is attached to the Personnel Section. He proved Ext. A/1, the application filed by the workman Kapila Behera for medical disablement and employment of his son. He stated that while Kapila Behera made this application, he enquired from him as to if his date of birth as mentioned in the application was correct and he admitted the same to be correct. Being cross-examined he stated that there are official records to know the date of birth of Kapila Behera. He further stated that he made such enquiry about the correctness of the date of birth as mentioned in the application as it is generally done. He stated that he knows Baishnab Behera who is still in service but he did not know if he is the elder brother of Kapila Behera.

I do not understand as to why Ext. A/1 was produced and proved by the Management since it is an application for retirement and employment of a dependent in lieu thereof, in terms of Para-10.4.3 of the National Coal Wage Agreement (II). It is the categorical case of the Management—First Party that the workman Kapila Behera was retired on 16th July, 1983 on his attaining the age of 60 years. It is not their case that Kapila Behera was to retire prematurely either on account of physical disability or any other ground.

M.W. 2, a Senior Clerk under the Management stated that in 1979 he had been directed to verify the service book of Kapila Behera marked as Ext. D, which he did. During verification he obtained the L.T.I. of Kapila Behera on the service sheet and made the endorsement (Ext. D/1). According to him he re-wrote the date of birth of Kapila Behera in column-2 as 16th July, 1983. According to him at the time of verification he enquired from Kapila Behera about his year of birth and Kapila Behera told him that he was born in the year 1923. He proved the fitness certificate (Ext. E) issued by the Medical Officer of the Colliery on 11th August, 1966. Kapila's age as ascertained by the Medical Officer has been mentioned as 43 years. Being cross-examined he admitted that in the service sheet (Ext. D), he has not put his signature. He further stated that there was office order by which he had been entrusted with the duty of verification of services of the employees. Being confronted with the service sheet of Baishnab Behera, he stated that because it was in order he did not make any endorsement therein but subsequently he stated that the service sheet of Baishnab Behera had been verified by another clerk. It was suggested to him that the left thumb impression in Ext. D was not of Kapila Behera. On a perusal of the document (Ext. D) I find that there is a smudge mark at the top, which has been proved as the thumb mark of Kapila Behera but nothing can be made out of it. M.W. 3, another Assistant of the Colliery proved the retirement notice (Ext. C) which was served on Kapila Behera intimating him about his retirement with effect from 16th July, 1983.

On behalf of the second party—workman, Baishnab Behera, an employee in the colliery was examined as W.W. 1 who stated that Kapila Behera is his younger brother, younger to him by about 2 to 3 years. According to him they are the only two sons of their father. He proved the record of rights in respect of their ancestral land (Ext. 1) which mentions his name, as also, the name of Kapila Behera as brothers. His statement that Kapila Behera is his younger brother has not been challenged in course of his cross-examination. Kapila Behera examined as W.W. 2 stated that when he was asked to retire and was served with the notice of retirement he approached the Management for change of his date of birth which had been incorrectly recorded because his elder brother Baishnab Behera was continuing in

service and he was to serve for about three years more. He stated that he is two years younger to Baishnab Behera. He stated in his cross-examination that he was not medically examined before he entered into the services of the Colliery. He denied the fact that the Colliery doctor examined him and gave a certificate. He expressed his ignorance about any certificate in which his age was mentioned as 43 years. Ext. F proved on behalf of the Management is the service sheet of Baishnab Behera whose date of birth has been recorded therein as 16th July, 1930. The First Party—Management have not asserted anywhere that the date of birth of Baishnab Behera as recorded in his service sheet (Ext. F) is wrong.

5. The following facts thus emerge from the evidence on recorded :

- (i) The assertion of the second party that Baishnab Behera, an employee in the very same colliery where the second party had been employed is his elder brother stands uncontroverted.
- (ii) Baishnab Behera is still continuing in the employment of the Management and his date of birth in his service register (Ext. F) has been recorded as 16th July, 1930 are admitted.
- (iii) The date of birth of Baishnab Behera recorded as 16th July, 1930 in Ext. F has been accepted by the First Party—Management as correct.

On the basis of the aforesaid facts there can be one and the only conclusion that the second party workman Kapila Behera was retired from service by the order Ext. C before he attained the age of 60 years.

6. The aforesaid conclusion cannot possibly be disturbed by the certificate of fitness proved as Ext. E in which the Medical Officer has mentioned to have ascertained the age of Kapila Behera as 43 years on 11th August, 1966 because the Medical Officer has not been examined in this case to state as to on what basis and on what examination he estimated the age of Kapila Behera to be 43 years at that time.

In the circumstance, it is held that the action of the Management—First Party in retiring Sri Kapila Behera from service with effect from 16th July, 1983 is unjustified.

7. Point No. 2.—Now coming to the question of the relief to which the second party—workman is entitled, as per the normal rule it should be reinstatement with full back wages until he attains the age of superannuation i.e. 60 years. The question is when will be attain the age of superannuation?

The admitted date of birth of his elder brother, as appears from Ext. F, is 16th July, 1930. The second party—workman (W.W. 2) has himself stated on oath that he is two years younger to his brother Baishnab Behera. In the circumstance, in fitness of things, his date of birth should be fixed at 16th July, 1932 and he should be retired on superannuation on 16th July 1992.

8. The reference is accordingly answered as below :—

The action of the Management of Central Coalfields Limited Talcher in retiring Sri Kapila Behera from service with effect from 16th July, 1983 is not justified. In the circumstance Sri Kapila Behera is entitled to reinstatement with full back wages. His retirement on superannuation would be on 16th July, 1992.

S. K. MISRA Presiding Officer
[No. L-19012/26/84-D IV(B)]

नई दिल्ली, 22 फरवरी, 1988

का.आ. 599:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार व जेकेनगर कोलियरी मैसर्स ई.सी. लिम. के प्रवन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-2-88 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1988

S.O. 599.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jaykaynagar Colliery of M/s. Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 9th Feb., 1988.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Reference No. 17/87

PRESENT :

Shri G. P. Roy,
Presiding Officer.

PARTIES:

Employers in relation to the management of Jaykaynagar Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers.—Sri P. Banerjee, Advocate
For the Workman.—Sri Haradhan Jha
Secretary of Union.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 2nd February, 1988

AWARD

The Govt. of India in the Ministry of Labour, in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act 1947, referred the dispute to this Tribunal for adjudication under Order No. L-24012 (70) 87-D. IV(B) dated the 18th November, 1987.

SCHEDULE

"Whether the action of the Management of Jaykaynagar Colliery of M/s. E. C. Ltd., in not paying the wages to Sri Rajkumar Bhuinya for the period from 1-7-85 (when the workman was wrongly superannuated) to 14-1-86, is justified? If not, to what relief the workman concerned is entitled?"

2. During the pendency of this Reference case, on 2-2-1988 the management as well as the workman submitted a joint petition of compromise regarding the amicable settlement of the dispute by them out of Court. It was also stated therein that there was no subsisting dispute between the parties after the said amicable settlement. The Learned Advocates of both the parties have prayed for making an award in this case as per the terms and conditions of the joint petition of compromise.

3. The terms of compromise appear to be legal, reasonable, fair and beneficial to the workman. Accordingly the terms of compromise are accepted.

4. The award is made accordingly in terms of the settlement and the terms of the settlement do form part of the award.

5. Requisite copies of the award along with terms of the settlement be sent to the Ministry.

G. P. ROY, Presiding Officer
[No. L-24012/70/87-D.IV(B)]

FORM 'H'

(See Rule 58).

Name of the Parties :—

Sri M. P. Singh Dy. CPM Satgram Area.

Sri G. P. Goswami, Secretary, CMSI(CITU), J. K. Nagar Colliery.

SHORT RECITAL OF THE CASE

Sri Raj Kumar Bhuia, Trammer was superannuated on the basis of age recorded in the LPC sent from Satgram(R) Colliery with effect from 1-7-85. The concerned workman challenged the said action of the management and submitted a petition before the Management to reconsider his case on the basis of his age recorded in form 'B' Register being maintained at Satgram (R) Colliery from where he was transferred to J. K. Nagar Colliery. The grievance of the workman was checked and it was found that his age recorded as 1929 in the form 'B' Register of Satgram (R) Colliery and he was allowed to join with effect from 14-1-86. During the process of examination and investigation of various documents the concerned workman was idle from 1-7-85 to 13-1-86. The concerned workman through his union CMSI (CITU) raised an I. D. before the ALC(C). Asansol. The Management took a stand in the conciliation that since the concerned workman did not work during above period no wages can be paid to him and the period of idleness shall be treated as "No work No pay" and the conciliation ended in failure. The matter was again discussed with CMSI(CITU) and after prolonged discussion with the above representative of the concerned workman the dispute is hereby settled on the following terms :—

1. Sri Raj Kumar Bhuia, Trammer shall be paid full wages for the 1st month i.e. from 1-7-85 to 31-7-85 and 50 per cent wages for the remaining period i.e. from 1-8-85 to 13-1-86 and the payment shall be made to Shri Bhuia within 15 days from the date of this agreement.
2. The period of idleness shall be treated as uninterrupted service for the purpose of payment of Gratuity.
3. This settlement will be treated as final settlement for the period of his idleness during the above period and no dispute whatsoever shall be entertained in this respect in future.
4. It is agreed that copy of his settlement shall be sent to ALC(C), Asansol in whose office the dispute was pending for a long time with a request to forward a copy of

the settlement to the Ministry referring to his FOC.

5. The dispute stands resolved.
6. This agreement is made without any precedent in future this should be treated as special case.

(G. P. Goswami)
Secretary
CMSI (CITU)

Witness :

1. Sd/-
2. Sd/-

M. P. SINGH, Dy. Chief Personnel Manager
Satgram Area.

का.आ. 60. :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व ओरियन्ट कोलियरी आईबी वैली एरिया मैसर्स साउथ ईस्टर्न कोल फील्ड्स लिमिटेड के प्रबन्धतन्त्र के सम्बन्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-2-88 को प्राप्त हुआ था।

S.O. 600.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal. Bhubaneswar, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Orient Colliery of Ib Valley Area M/s. South Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 11th February, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri S. K. Misra, LL.B,
Presiding Officer, Industrial,
Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 65 of 1987(C)

BETWEEN

The General Manager,
Ib Valley Area, M/s. S.E.C. Ltd.,
At/P.O. Brajrajnagar, Distt. Sambalpur.

.....First Party-Management.
AND

Their workman represented by the Joint Secretary, Brajrajnagar Coal Mines Workers Union (AITUC & IMWF), At/PO-Lamti-bahal, Via-Brajrajnagar, Distt. Sambalpur.

.....Second Party-Workmen.

APPEARANCES :

None.For both the parties.

AWARD

Dated Bhubaneswar, the 28th January, 1988

1. The matter arises out of a reference made by the Government of India, Ministry of Labour in exercise of powers conferred under sub-section (5) of Section 12 read with clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act 1947 vide their Order No. L-24012(42)/87-D.IV(B) dated 22-9-1987 for adjudication of the following dispute :—

"Whether the demand of the workmen of Orient Colliery of Ib Valley Area, M/s. South Eastern Coalfields Ltd., At/P.O.-Brajrajnagar, Distt. Sambalpur that Sri Madhu Sudan Parmanik and three others (Listed below) should be regularised/confirmed on the posts mentioned against them is justified? If so, to what relief are the concerned workmen entitled?"

Name	Post & category
1. Sri Madhusudan Parmanik, Motor Mechanic Cat. VI,	
2. Sri Ashok Bera.	-do-
3. Sri Umesh Barik.	Tyre Fitter Cat. VI.
4. Sri Pradipta Kar.	Clerk Gr. II.

2. In this case, in the copy of the order of reference sent to the Union, direction had been given that it should file a statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days of the receipt of the order of reference. It was issued, as it seems, by the Government of India, Ministry of Labour on 22-9-1987. No statement of claim was however filed by the Union. On receipt of this order, the proceeding was adjourned on several dates awaiting receipt of the statement of claim from the concerned Union. Notice by registered post was also sent to the Joint Secretary, of the Union requesting for filing of the statement of claim. In spite of receipt of the notice the Union took no steps. The Union neither filed the statement of claim nor took any step in this matter. From this conduct on the part of the Union, it seems that it is not interested in the matter any further and at present there exists no dispute between the parties. In the circumstance, a no-dispute Award is passed so far as this reference is concerned.

S. K. MISRA, Presiding Officer
[No. L-24012/42/87-D.IV(B)]
R. K. GUPTA, Desk Officer

नई दिल्ली, 3 फरवरी, 1988

का.आ 601.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री ओ.पी. यादव के स्थान पर कुमारी विमला भोगत, आयुक्त एवं सचिव, हिमाचल प्रदेश सरकार को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना

संख्या का.आ. 545 (अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “(राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मद 13 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

कुमारो विमला भगत
आयुक्त-एवम् सचिव
हिमाचल प्रदेश सरकार
श्रम और रोजगार विभाग
शिमला

[संख्या यू.—16012/8/85—एसएस-I]

New Delhi, the 3rd February, 1988

S.O. 601.—Whereas the State Government of Himachal Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Miss Vimala Bhagat, Commissioner-cum-Secretary to the Government of Himachal Pradesh, to represent that State on the Employees' State Insurance Corporation, in place of Shri O. P. Yadav,

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading “(Nominated by the State Government under clause (d) of section 4)”, for the entry against Serial Number 13, the following entry shall be substituted, namely:—

Miss Vimala Bhagat,
Commissioner-cum-Secretary to the Govt. of H.P.
Labour Employment Department,

[No. U-16012/8/85 SS.I]

का. आ. 602.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री कुलबन्त सिंह के स्थान पर श्रीमति मीनाक्षी आनन्द चौधरी एवम् सचिव हरियाणा सरकार को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नाम निर्दिष्ट किया है:

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “(राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मद 12 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्रीमति मीनाक्षी आनन्द चौधरी,
कमीशनर व सचिव हरियाणा सरकार
श्रम एवं रोजगार विभाग,
चण्डीगढ़

[संख्या यू.—16012/3/83—एस.एस-I]

S.O. 602.—Whereas the State Government of Haryana has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shrimati Meenaxi Anand Chaudhry, Commissioner and Secretary to the Government of Haryana, to represent that State on the Employees' Insurance Corporation in place of Shri Kulwant Singh;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading “(Nominated by the State Government under clause (d) of section 4)”, for the entry against Serial Number 12, the following entry shall be substituted, namely:—

Shrimati Meenaxi Anand Chaudhry,
Commissioner & Secretary to the Govt. of Haryana,
Labour & Employment Department,
Chandigarh.

[No U-16012/3/88-SS.I]

का. आ. 603.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री गोपाल चन्द्र त्रिपाठी के स्थान पर श्री एन जयरामन, सचिव, महाराष्ट्र सरकार को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मद 18 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्री एन. जयरामन, सचिव, महाराष्ट्र सरकार
मैडिकल एजुकेशन एंड ड्रग विभाग
बम्बई।

[संख्या यू.—16012/3/86—एस एस-I]

S.O. 603.—Whereas the State Government of Maharashtra has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri N. Jayaraman, Secretary to the Govt. of Maharashtra, to represent that State on the Employees' State Insurance Corporation, in place of Shri Gopal Chandra Tripathi;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading "(Nominated by the State Government under clause (d) of section 4)", for the entry against Serial Number 18, the following entry shall be substituted, namely :—

Shri N. Jayaraman,

Secretary to the Govt. of Maharashtra,

Medical Education & Drugs Department,
Bombay.

[No. U-16012/3/86-SS.I]

नई दिल्ली, 4 फरवरी, 1988

का. आ. 604.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 16-2-1988 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79, और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के अन्तर्गत कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

"जिना धारवार, तालुक और होबली, हुबली के अधीन तारिहाल गाव (सर्वेक्षण सं. 64, 65, 68, 69, 88, 89, 90/1 व 92) तथा के आई ए. डी. बी औद्योगिक क्षेत्र के अन्तर्गत आने वाले क्षेत्र"

[संख्या एस-38013/2/88-एसएस I]

ए.के. भट्टारai, अवर सचिव

New Delhi, the 4th February, 1988

S.O. 604.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th February, 1988 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :—

"The areas comprising Revenue Village Tharihal (Survey No. 64, 65, 68, 69, 87, 88, 89, 90/1 and 92) and KIADB Industrial Area under Hobli and Taluk Hubli in District Dharwar".

[No. S-38013/2/88-SS. I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 4 फरवरी, 1988

का.आ. 605.—न्यूनतम मजदूरी (केन्द्रीय) नियम 1950 के नियम 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 19-9-1987 को भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में प्रकाशित, दिनांक 8 सितम्बर, 1987 के अधिक्रमण में, केन्द्रीय सरकार मुख्य श्रमायुक्त (केन्द्रीय) नई दिल्ली के कार्यालय में उप मुख्य

श्रमायुक्त (केन्द्रीय) नई दिल्ली, श्री इन्दजीत सिंह को न्यूनतम मजदूरी सलाहकार बोर्ड का सचिव नियुक्ति करती है, जिसका गठन भारत सरकार, श्रम मंत्रालय की दिनांक 28 मई, 1981 की अधिसूचना संख्या का. आ. 393 (अ) के तहत किया गया था।

[सं. एस-32023/11/ 83-उल्लू सी (एम उल्लू)]

ए. के. लूथरा, निदेशक

New Delhi, the 4th February, 1988

S.O. 605.—In exercise of the powers conferred by Rule 5 of the Minimum Wages (Central) Rules, 1950 and in supersession of notification of the Government of India in the Ministry of Labour No. S.O. 2579 dated the 8th September, 1987 published in the Gazette of India, Part-II, Section, 3, Sub-section (ii) on 19-9-87 the Central Government hereby appoints Shri Inderjit Singh, Deputy Chief Labour Commissioner (Central), New Delhi, in the Office of the Chief Labour Commissioner (Central), New Delhi to be the Secretary of the Minimum Wages Advisory Board constituted under the notification by the Government of India in the Ministry of Labour No. S.O. 393(E) dated the 28th May, 1981.

[No. S-32023/11/83-WC(MW)]

A. K. LUTHRA, Director

नई दिल्ली, 5 फरवरी, 1988

का आ. 606.—सिने कर्मकार और सिनेमा थिएटर कर्मकार (नियोजन का विनियमन) अधिनियम, 1981 (1981 का 50) की धारा 2 के खंड (ख) के अनुसरण में, केन्द्रीय सरकार नीचे दी गई तालिका के कालम (1) में उल्लिखित पंजाब सरकार के अधिकारियों को उक्त तालिका के कालम (2) में तदनुसृत प्रविष्टि में निर्दिष्ट क्षेत्र के लिए प्राधिकृत करती है:—

तालिका

अधिकारी का पदनाम	क्षेत्र
(1)	(2)
1. श्रम आयुक्त पंजाब	सम्पूर्ण पंजाब राज्य
2. अपर श्रम आयुक्त पंजाब	सम्पूर्ण पंजाब राज्य
3. संयुक्त श्रम आयुक्त पंजाब	सम्पूर्ण पंजाब राज्य
4. उप श्रम आयुक्त पंजाब-I	सम्पूर्ण पंजाब राज्य
5. उप श्रम आयुक्त पंजाब-II	सम्पूर्ण पंजाब राज्य

[संख्या एस 61011/4/87—डर-1 (ए) (1)/समन्वय]

New Delhi, the 5th February, 1988

S.O. 606.—In pursuance of clause (d) of Section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the Central Government hereby authorizes the officers of the Government of

Punjab mentioned in column (1) of the Table below, to perform the functions of the Competent Authority under the said Act for the area specified in the corresponding entry in column (2) of the said Table :—

TABLE

Designation of the Officer	Area
1	2
1. Labour Commissioner, Punjab.	Whole of the Punjab State
2. Additional Labour Commissioner, Punjab	Whole of the Punjab State
3. Joint Labour Commissioner, Punjab	Whole of the Punjab State
4. Deputy Labour Commissioner, Punjab-I.	Whole of the Punjab State
5. Deputy Labour Commissioner Punjab-II.	Whole of the Punjab State

[No. S-61011/4/87-DI(A)(I)/Coord]

का. आ. 607.—सिने कर्मकार और सिनेमा थिएटर कर्मकार (नियोजन का विनियमन) अधिनियम, 1981 (1981 का 50) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नीचे दी गई तालिका के कालम (1) में उल्लिखित पंजाब सरकार के अधिकारियों को उक्त तालिका के कालम (2) में तदनुरूप प्रविष्टि में निविष्ट क्षेत्र के लिए उक्त अधिनियम के प्रयोजन हेतु संरक्षण अधिकारी नियुक्ति करती है:—

तालिका

अधिकारी का पदनाम	क्षेत्र
1	2
1. श्रम एवं संरक्षण अधिकारी, महाली	रोपड़ जिला
2. श्रम एवं संरक्षण अधिकारी, पटियाला	पटियाला जिला
3. श्रम एवं संरक्षण अधिकारी संगरूर	संगरूर जिला
4. श्रम एवं संरक्षण अधिकारी, भटिंडा	भटिंडा जिला
5. श्रम एवं संरक्षण अधिकारी, मोगा	फरीदकोट जिला
6. श्रम एवं संरक्षण अधिकारी, फिरोजपुर	फिरोजपुर जिला
7. श्रम एवं संरक्षण अधिकारी, जालंधर	जालंधर और कपूरथला जिले
8. श्रम एवं संरक्षण अधिकारी, बटाला	गुरुवांसपुर जिला
9. श्रम एवं संरक्षण अधिकारी, होशियारपुर	होशियारपुर जिला

1	2
10. श्रम संरक्षण अधिकारी, अमृतसर-1	अटारी से ब्यास तक शुरू होकर रेलवे लाइन के उत्तर की ओर अमृतसर जिले का क्षेत्र अमृतसर मजीठा रोड़ पर रेलवे क्रॉसिंग कोट गीत सिंह को रींगो बिज बाया फोर्ट गेबिम्बगढ़ रोड़, लोहगढ़ कटरा प्लान खुह गानियन आन, कटरा भरत सिंह चौक कालू, नाजीठा मंडी, बाल मंडी, नमक मंडी, गोन बस्ती राम, चौक मानिनी, छटीविह गेट, कोट मील सिंह तक सड़क के दोनों ओर और इस्लामाबाद सहित लाइन के पश्चिम की ओर क्षेत्र ।
11. श्रम व संरक्षण अधिकारी, अमृतसर-II	अमृतसर-जिला जिसमें श्रम व संरक्षण अधिकारी, अमृतसर के क्षेत्राधिकार में आने वाले क्षेत्र शामिल नहीं हैं ।
12. श्रम व संरक्षण अधिकारी लुधियाना-1	लुधियाना जिले के सभी क्षेत्र जिसमें सर्किल II और III के अन्तर्गत आने वाले क्षेत्र शामिल नहीं हैं ।
13. श्रम व संरक्षण अधिकारी, लुधियाना II	लुधियाना धुरी रेलवे लाइन्स लिंक रोड़ के साथ के क्षेत्र, डबल रेलवे क्रॉसिंग से शुरू होकर राजपुरा की ओर घोले बाल चौक तक डबल रेलवे लाइन के क्षेत्र, जी.टी. रोड़ के दोनों किनारे लुधियाना अम्बाला रेलवे लाइन की ओर से घोले बाल चौक, जिसमें दारोहा शामिल है तक के क्षेत्र सम्पूर्ण जगराव तहसील रायकोट और लुधियाना तहसील का मुस-नप शहर ।

1	2
14. श्रम व संराधन अघि- कारी, लुधियाना-III,	औद्योगिक एरिया और तह- सील कालोनी तथा फोकल प्लान्ट का एम्प्लॉयमेंट धोलेवाल रेलवे क्रासिंग से शुरू होकर समराला वाइपास तक की लिक रोड। समराला रोड तथा सम्पूर्ण समराला तहसील, और खन्ना उपतहसीलों, प्रेमनगर, जनकपुरी और बाघ सुकियान सहित

[सं एस 61011/4/87-डी-I (ए) (ii)]
एस.एम.आर० अदी, उप सचिव

S.O. 607.—In exercise of the powers conferred by section 4 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the Central Government hereby appoints the officers of the Government of Punjab mentioned in column (1) of the Table below, to be conciliation officers for the purposes of the said Act, for the area specified in the corresponding entry in column (2) of the said Table:—

TABLE

Designation of the officer	Area
1	2
1. The Labour-cum- Conciliation Officer, Mohali.	Ropar District.
2. The Labour-cum- Conciliation Officer, Patiala.	Patiala District.
3. The Labour-cum- Conciliation Officer, Sangrur.	Sangrur District.
4. The Labour-cum- Conciliation Officer, Bhatinda.	Bhatinda District.
5. The Labour-cum- Conciliation Officer, Moga.	Faridkot District.
6. The Labour-cum- Conciliation Officer, Ferozepur.	Ferozepur District.
7. The Labour-cum- Conciliation Officer, Jullunder.	Jullunder and Kapurthala Districts.

1	2
8. The Labour-cum- Conciliation Officer, Batala.	Gurdaspur District.
9. The Labour-cum- Conciliation Officer, Hoshiarpur.	Hoshiarpur District.
10. The Labour-cum- Conciliation Officer, Amritsar-I.	Jurisdiction area : The area of the Amritsar District towards the north of the Railway line starting from Attari up to Beas. Railway crossing on Amritsar Majith Road, Reego bridge to Kot Mit Singh via fort Gobindgarh Road. Lohgarh Katra Dullan Khuh Ganian Jan, Katra Charat Singh Chowk Kalu, Najitha Mandi, Dal Mandi Namak Mandi, D'bon Basti Ram, Chowk Monini, Chatiwing Gate upto Kot Mit Singh (Both sides of the Road) and the area on the west side of the line including Islamabad.
11. The Labour-cum- Conciliation Officer, Amritsar-II.	Amritsar District excluding the Area falling within the jurisdiction of Labour-cum-Conciliation Officer Amritsar 1st circle.
12. The Labour-cum- Conciliation Officer, Ludhiana-I.	All areas of Ludhiana District except the area falling under circle II and III.
13. The Labour-cum- Conciliation Officer, Ludhiana-II.	The Area enclosed by the Ludhiana Dhuri Railway Lines Link Road, Double Railway Line starting from the double Railway Crossing towards Rajpura upto Dholewal Chowk both sides of the G.T. Road. Lying towards the South of Ludhiana Ambala Railway Line

1	2
	to Dholewal Chowk up to Daroha. The whole of Jagroan T:hsil Rajkot and Mullandu town of Luthiana T:hsil.
14. Labour-cum-Conciliation Ludhiana-III.	Industrial Area and extension of Tehsils Colony and Focal Point. The link road starting from the Dholewal Railway Crossing upto Samrala by pass. Samrala Road and the whole of Samrala T:hsil & including Khanna sub-T:hsils, Prem Nagar, Janak Puri and Bagh Suffian.

[No. S-61011/4/87- D-(A)(II)]
S.M.R. ZAIDI, Dy. Secy.

नई दिल्ली, 5 फरवरी, 1988

का. आ. 608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिटी बैंक एन.ए. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है।

New Delhi, the 5th February, 1988

S.O. 608.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Citi Bank, N. A. and their workmen which was received by the Central Government.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 79/84

In the matter of dispute between :

Workmen through The General Secretary, F.N. Citi
Bank Staff Association, 3, Parliament Street, New
Delhi.

Versus

The Manager, Citi Bank N.A., 3, Parliament Street, New
Delhi.

APPEARANCES :

Shri S. K. Bisaria with Shri S. K. Maini—for workmen.
Shri J. K. Mehra—for Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/4/84-D.IV (A) dated 6th November,

1984 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the management of Citi Bank N.A. New Delhi has been discriminating in placing workmen on jobs carrying special rate of pay ? If so, to what relief are the workmen concerned entitled ?"

2. The case of the workmen as revealed in their statement of claim is that as per Bipartite Settlement there are different categories of workmen other than the members of the subordinate staff who get special allowance. In the Citi Bank the workmen other than subordinate staff belong to the categories of Typist-Clerk-cum-Typist, Telephone Operators, Head Clerks, stenographers and Special Assistants. As per clause 5.292 of the Desai Award, which is binding on both the parties, the bank can increase the salary scale with other allowances of the workmen as a category as a whole. The Management picked up 5 employees namely Ms. Veena Dua, Mr. K. K. Gupta, M/s. Poonam Rao, Mr. N. R. Mehta and Mr. K. L. Jain and gave them posts designated as Staff on Special Rates of Pay (SSRP) and were given certain financial benefits such as increase in salary, other benefits and privileges. This has been done in spite of the fact that there is no post mentioned as SSRP under the Bipartite Settlement or any other Banking Award. It was alleged that the Management by discriminating certain persons as SSRPs and providing them special scale and other benefits was acting on the principle of unfair labour practice and following the policy of pick and choose. It was further alleged that the afore mentioned five persons had been given special scale and other benefits and designated as SSRPs in arbitrary manner while they are still performing the same duties except that their nomenclature/designation has been changed to that of SSRP simply to extend the additional financial benefits to them. As there is no provision in the banking award or Bipartite Settlement, it amounts to discrimination and entitles the other workmen to get same special scale of pay alongwith allowances and benefits as given by the Management to the workmen called as SSRPs. Moreover the Management by inducements of financial benefits compelled such workmen as a condition to withdraw from the Trade Union activities. Under these circumstances, it was prayed that the Management be directed to give same allowance alongwith special scales to all the workmen of the same category with retrospective effect and also not to compel them to resign from the Trade Union activities.

3. The Management in its written statement has controverted the claim and allegations of the workmen and invited attention to para 122 of the Sastry Award which had not been repealed or overruled by any of the subsequent Bank Awards or Bipartite Settlement and is valid and continued to be in force. It was further stated that the SSRPs are not workmen within the definition of the term workman under the Industrial Disputes Act. It was further stated that even according to clause 5.292 of the Desai Award there is no bar on the Management for providing a cadre of employees or category of employees on its rolls and to recruit persons to that category from amongst its existing staff members or otherwise. It was denied that the five persons mentioned in the statement of claim of the workmen are continuing to perform the same duties or that their nomenclature has simply been changed to extend certain additional benefits to the favourites of the Management. It was further submitted that the Bipartite Settlements and Bank Awards deal with certain specified categories of workmen and not with all categories of staff with the bank and certainly not those who are not even workmen and in any case, neither the Bank Awards nor Bipartite Settlement restrict Management's right to have any additional category or any special type of staff. It was denied that the Management had compelled any of its employees to resign from the Employees Union. It was asserted that the Management has got every right to employ staff or special rates of pay who were employed to perform special work and/or work of confidential nature. Their functions also include certain work to be done on their own initiative and to take independent charge of certain work. Further none of the employees mentioned nor any workmen have any existing legal right to interfere in this Management function in any manner as to employ anyone in any category of employees required for services in the Bank, is exclusively a matter for the consideration of the Management of the Bank and the Employees Union cannot interfere in this function.

4. On the pleadings of the parties the following issues were settled :

(1) Whether the SSRPs are workmen as defined under I. D. Act. If so, its effect.

(2) As in terms of reference.

ISSUE NO. 1

5. The Union has not led any evidence to show that the persons working as SSRPs are workmen under the term as defined in the Industrial Disputes Act, except for the Bald Statement of Shri S. K. Maini saying that they are still doing clerical work. However, when cross-examined, Shri Maini admitted that he had never seen any written duty chart or instructions given to the SSRPs from time to time. On the other hand the Union summoned all the SSRPs and examined them and they have all brought out the special functions performed by them. S/Shri S. S. Narula, K. L. Jain N. R. Mehta have all stated that apart from other functions they supervise the work of one or the other department in the Bank. WW-2 Shri S. S. Narula stated that he worked in the Personnel Section for nearly 7 years as Special Assistant and his duties were maker and checker. When he was promoted as SSRP his making job become almost nil and he was mostly given the checking job and responsibility of the entire department was on him. Although he did not have the signing authority for the Bank there was no officer above him in the Department and he had to report to the Senior Branch Officer to whom all other officers in the bank were reporting. The SSRPs are in fact probationers for becoming an officer. In his cross-examination he further clarified that before becoming a SSRP he could not report directly to the senior branch operation officer and that the salaries of SSRPs are outside the Bipartite Settlement and the leave entitlements of the SSRPs are also different from the clerical cadre. Similarly WW-3 Shri R. K. Gupta stated that after becoming SSRP he performed additional functions of maintaining personal folders of officers in the corporate area, area picking, car pick ups and all other travelling arrangements for the officers visits, making telephone calls and receiving calls on behalf of officers and he also started assisting his boss in preparing salary budget. He also used to maintain secrecy and transfer move and salary increases of officers in the corporate area. He also used to send classified messages which included policy messages for his branch. He used to arrange meetings of officers and unofficial parties for customers. He also organised seminars. He further stated that the category of SSRPs stands abolished w.e.f. 1-1-86. Similarly WW-4 Smt. Veena Dua has stated that after her appointment as SSRP she was performing the additional duties of arranging seminars, dinner and lunches for official parties and controlling personal folders of the officers for the operation department and keeping their confidential salary records. She was also associated with the salary budgeting officers in the operations department, and was also keeping the records of the transfer moves and training of the officers. WW-5 Shri N. R. Mehta specifically denied that when he became SSRP he continued to perform the same functions as before. He further stated that after becoming SSRP he performed supervisory functions and used to supervise the cashier of the U. S. Embassy. On return from U.S. Embassy he used to supervise the work of share issue and clearance department. WW-6 Shri K. L. Jain stated that when he became SSRP, besides the duties mentioned earlier he was performing the additional duties as sales representative for travellers cheque in Delhi. Marketing plus cash Management of travellers cheques and remittance of the amount to New York. He further clarified that no clerk or special assistant has performed the duties of handling the travellers cheques when he had gone on leave. After going through the statements of all these witnesses it becomes abundantly clear that all the SSRPs are performing much more arduous work than the clerical staff and the contention of the Union that the SSRPs continued to perform the same duties as clerks is repelled. The question of creation of different category/cadre of SSRPs came up for consideration before this Tribunal in I. D. No. 104/80 wherein my predecessor Shri O. P. Singla observed that "promotion of Shri B. K. Malhotra, who worked as Confidential Secretary and as SSRP cannot be said to be a violation of any settled policy of the Management and cannot be said to be a mala fide action of the Management or an unfair labour practice by the Management". It was further held "Staff on special rate of pay is an intermittent cadre between officers and clerks and that the cadre is a short one That cadre was created only in 1975 but there is no pleading before me that creating of SSRP cadre was only to subvert the promotion policy mutually agreed upon or was an unfair labour practice of the Management. The creating of that small cadre in 1974-75 was never challenged and even in this reference it has not been specifically challenged and there is no presumption that the creation of SSRP cadre is a mala fide act of the Management intended to harm clerical cadre." The said award has since become final as a challenge to the same in High Court failed. In a way, even the Union admits that the SSRP, do not belong to the clerical cadre when it pleaded that there is no post mentioned as SSRP in the Bipartite Settlement or any other Banking award and that certain persons have been given the nomenclature of SSRP in order to extend to them financial and other benefits. It has already been shown that the SSRPs are performing much more duties of arduous and responsible nature than the clerical cadre. It is, therefore, held that the SSRPs are not workmen as defined in the I. D. Act and are a category apart and not covered by the Bipartite Settlements and Banking Awards.

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ISSUE NO. 2

6. As the terms of reference suggests, this Tribunal has to find out if there has been discrimination in promoting persons to the post of SSRPs i.e. the only enquiry has to be as to whether there has been discrimination in fact and if there has been discrimination, what is the relief to be granted to the individual/individuals who has/have been discriminated against. However, the Union has failed to point out even a single instance of whosoever was discriminated against. No such instance of discrimination is mentioned either in the statement of claim or in the evidence. The Management has placed reliance upon the provisions of para 122 of the Sastry Award which for facility of reference is reproduced below :

"It is desirable to make clear that the scales of pay and dearness allowance and special allowances which we are laying down in our award represent only the minimum to which a workman will be entitled. It is not our intention to feeter the discretion of power of any bank to give its workmen or any of them (emphasis added) higher salaries or wages or higher dearness allowance or additional allowance or benefit not mentioned in our award. Similarly, even with reference to increments, the banks will have the liberty to give more than one increment in any particular year."

The above provision of the Sastry Award would tend to show that the Management has unrestricted right to create any new post or cadre and to appoint any person to the same.

7. The Union's main witness namely Shri S. K. Maini has nowhere stated or cited in his affidavit any discrimination against any particular individual employee. The sole grievance of Shri S. K. Maini appears to be that persons on becoming SSRP withdraw from the membership of the union/association. However, the withdrawal from the membership or one being not a member of the Union is not part of the terms of this reference. It is also significant to note that S.K. Maini in his statement as WW-1 admitted that at present he has been promoted as Special Assistant and that he was not the senior most clerk when he was given the Special Assistant allowance and that the union did not raise any dispute regarding his own promotion in the Court. It therefore, lies ill in the mouth of this witness to say that the Management has been discriminating in matters of promotions when he himself was promoted as Special Assistant by superseding persons senior to him. In this regard, MW-1 Shri Rajeshwar Kumar has stated on behalf of the Management that the category of SSRPs was introduced around the year 1975 and it was a category between clerical cadre and the officer cadre and that while selecting persons for the post of SSRP the Management made its maximum efforts to locate requisite talent in the particular area from amongst the clerks and the persons mentioned by the Union were selected on the basis of their suitability to shoulder higher responsibilities. When ever the Management considered any promotion to the post of SSRP, it always examined the requirements of the area where the person is required to perform his functions and also examined the available talent amongst the clerks keeping in view their experience and suitability and has always decided about the merit of the person dispassionately and objectively. The Management while making such promotions has always kept in view the merits of the clerk and did not discriminate between clerk and a clerk and there were no mala fides

or victimisation at all in such actions of the Management nor were any complaints of malafides or victimisation against any individual ever brought to the notice of the Management. In view of the statements made by the various witnesses examined by the Union including Shri S. K. Maini, there appears no reason to disbelieve this statement of MW-1 Shri Rameshwar Kumar. Under these circumstances, it is held that the union has failed to prove allegation of discrimination against any workmen and this issue is answered against the workman.

8. In view of the above discussions, the workmen are not entitled to any relief and this reference stands disposed of accordingly.

G. S. KALRA, Presiding Officer

Dated : 18th December, 1987.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer
[No. L-12012/4/84-D.IV (A)]

Dated : 18th December, 1987.

नई दिल्ली, 9 फरवरी, 1988

का. आ. 609:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वयण केन्द्रीय सरकार, मद्रास स्टीवडोर एसोसिएशन के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (तमिलनाडु) मद्रास के पंचाट को प्रकाशित करती है।

New Delhi, the 9th February, 1988

S.O. 609.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, (Tamil Nadu) Madras, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Stevedores Association and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL
TAMIL NADU MADRAS

Wednesday, the 6th day of January, 1988

PRESENT:

THIRU FYZEE MAHMOOD, B.Sc., B.L.,
INDUSTRIAL TRIBUNAL
Industrial Dispute No. 111 of 1987

In the matter of the dispute for adjudication under Section 10(1)(d) read with Section 2(A) of the Industrial Disputes Act, 1947 between the workmen and the Management of Madras Stevedores Association, Madras-1.

BETWEEN

The workmen represented by The General Secretary, Madras Port and Dock Workers' Congress, 7, Philips Street, Madras-600001;

AND

The Chairman Madras Stevedores Association, 1st Floor MDLB Building, Rajaji Salai, Madras-600 001.

REFERENCE:

Order No. L-33012/7/86-D.IV(A), dated 10-7-1987 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiruvallargal T. Arulraj and J. James, Advocates appearing for the Management, upon perusing the reference and other connected papers on record and the workmen being absent, this Tribunal passed the following

AWARD

This dispute between the workmen and the Management of Madras Stevedores Association, Madras-1 arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, by the Government of India in its Order No. L-33012/7/86-D.IV(A), dated 10-7-1987 of the Ministry of Labour for adjudication of the following issue:

"Whether the action of the management of Madras Stevedores Association, Madras in terminating the services of the workman Shri C. Chandran, G.P.M. 285 with effect from 18-1-86 on account of alleged medical unfitness is justified? If not, to what relief the concerned workman is entitled to?"

2. Summons were issued to the parties for their appearance and filing the claim statement on 19-10-1987.

3. On 19-10-1987 the Management was represented by counsel. Petitioner-Union was absent and no representation was made on behalf of Union. For claim statement of Union the dispute was adjourned to 12-11-1987. On 12-11-1987 also the Union was absent.

4. Today also when the dispute was called the Petitioner-Union was absent and not represented. No claim statement was filed. Management was represented by counsel.

5. Hence the Industrial Dispute is dismissed for default. Award passed accordingly. No costs.
Dated this 6th day of January, 1988.

FYZEE MAHMOOD, Presiding Officer

[No. L-33012/7/86-D.IV (A)]

नई दिल्ली, 11 फरवरी, 1988

का. आ. 610:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वयण में, केन्द्रीय सरकार, सांगली बैंक लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनबन्ध निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में, 1. खर्च के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-1988 को प्राप्त हुआ था।

New Delhi, the 11th February, 1988

S.O. 610.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal I Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sangli Bank Ltd and their workmen, which was received by the Central Government on the 27th January, 1988

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, BOMBAY

Reference No. CGIT-14 of 1986

PRESENT:

M. Justice M. S. Jamdar, Presiding Officer

PARTIES:

Employers in relation to the management of Sangli Bank Ltd. and their workman.

APPEARANCES :

For the workman—Mr. Samant, Advocate
For the workman.—Mr. Samant, Advocate.
Mr. Cama, Advocate.

INDUSTRY : Banking STATE : Maharashtra.
Bombay, dated the 6th day of October, 1987

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Chairman of the Sangli Bank Ltd. in dismissing Shri S. L. Mokashi from the bank's service is legal and justified? If not, to what relief Shri S. L. Mokashi is entitled?”

The opponent, Shri Mokashi joined the service of Sangli Bank Ltd. as a clerk with effect from 5-11-1973. During the period from 23-11-1981 to 30-11-1982, he was working as a Cashier-cum-Clerk at Vasagade Branch of the Bank. It was found that during this period, he misappropriated the funds of the Bank by tampering the records of the Bank. He was therefore, suspended from service with effect from 30-11-1982 vide order of even date. The suspension order was passed, pending preliminary enquiry, on the following allegations.

“You are working as a Cashier-cum-Clerk, at Vasagade Branch since 23-11-1981. It has been reported to us that the cash received by you as a Cashier during Office hours from some of the account holders alongwith paying-in-slips and pass books was not accounted for by you in the books of the Bank even after having issued regular receipts but was retained and used by you for your personal use and you had only made entries of receipts of the cash in some of such customers' pass books. It has been reported to us that you did not credit to the customers' accounts the amounts handed over to you by them for crediting to their accounts, thereby utilising the same for your personal use.

It has also been reported that on occasions you have credited to such customers' accounts partial amounts only either on the dates of receipt of cash or subsequently thereafter.”

3. Thereafter, a charge-sheet-cum-show-cause notice dated 30th March, 1983 was issued to the workman calling upon him to submit his explanation within 7 days from the receipt of the charge-sheet-cum-show-cause notice as to why disciplinary action should not be initiated against him for the alleged misconduct. It was further alleged in the show-cause notice which was issued obviously on the basis of the investigation carried out after the workman was suspended, that the pay-in-slips under which the amounts were deposited and the amounts were kept by him in his custody without including them in the respective day's transactions in the books of the Bank and that while adopting this modus-operendi, he also destroyed some of Bank's records, and also forged the initials of the Manager in the pass books. Three specific instances of temporary misappropriation and forgery were mentioned in this notice and a statement showing details of temporary misappropriation and fraud committed by him in certain accounts of Vasagade Branch was also enclosed therewith. The following charges were mentioned in the show-cause notice.

1. Doing acts prejudicial to the interest of the Bank.
2. Breach of Trust.
3. Fraud and Misappropriation of Bank's funds.
4. Falsification of accounts and Bank's records.
5. Destroying Bank's record.

4. The statement enclosed to the show-cause notice mentioned 49 instances of misappropriation, forgery and falsification of accounts.

5. Shri Mokashi gave his reply to the charge-sheet-cum-show cause notice on 25-4-1983 asserting that he had never forged the initials of the Branch Manager and that crediting on the next day the cash received after office hours was as per the procedure which was being followed in the Bank, and praying for a chance to make improvement taking into consideration his service with the Bank for about 9 years.

6. Not satisfied with his explanation, the Chairman of the Bank by an office order dated 29-4-1983, appointed enquiry officer to hold departmental enquiry into the charges levelled against the workman, recommending authority to recommend the punishment to be awarded, action taking authority to take appropriate action against the workman on the basis of the enquiry report and recommendation and appellate authority to consider workman's appeal, if any, and also appointed two officers for representing the Bank in the enquiry.

7. Shri B. A. Sanglikar, who was appointed enquiry officer commenced the enquiry on 11-5-1983 and completed it on 13-1-1984. He submitted his report on 15-2-1984 to Shri D. N. Inamdar, Accountant in the Head Office of the Bank, who was appointed recommending authority. The recommending authority made his recommendation in respect of the punishment to be awarded to Shri Mokashi to the action taking authority on 23rd February, 1984. After receipt of the recommendations and the report of the enquiry officer, the action taking authority called upon the workman to show cause against the proposed punishment. At this hearing, the workman was represented by the President, Vice-President and the General Secretary of the Employees Union. Thereafter, the action taking authority passed the final order dismissing the workman from service of the Bank with effect from 1-2-1984, and confirmed his suspension till that date. Against this decision, Shri Mokashi preferred an appeal to the appellate authority. The appellate authority heard the appellant and his representative and rejected the appeal by the order dated 22nd May, 1985.

8. The Bank while maintaining that provisions of S. 33(2)(b) of the Industrial Disputes Act were not attracted to the case of Shri Mokashi, filed applications under proviso to section 33(2)(b), before the Central Government Industrial Tribunal, Hyderabad and Assistant Labour Commissioner (Central), Pune, before whom certain disputes were pending. The application made to the Central Government Industrial Tribunal at Hyderabad was rejected on the ground that the workman was not concerned with the dispute pending before the Tribunal and hence the application under S. 33(2)(b) was not maintainable. But, the Assistant Labour Commissioner, Pune refused to grant approval. That order of the Assistant Labour Commissioner was set aside by the Bombay High Court in Writ Petition No. 4627 of 1984 filed by the Bank against the decision of the Assistant Labour Commissioner. The High Court held that both the grounds on which the approval was refused were untenable and that there was no need to take approval under S. 33(2)(b) because the workman was not connected in any way with the dispute pending before the Assistant Labour Commissioner, Pune.

9. In the statement of Claim, the workman contended that the enquiry was not held in conformity with the provisions of the bipartite settlement, that the enquiry was vitiated by the appointment of recommending authority that the charges levelled against him were not proved conclusively, that the enquiry officer, recommending authority and the appellate authority did not apply their mind to the facts and circumstances of the case that his request for being represented by an office bearer of the union was wrongly rejected and that in dismissing him from service contrary to the recommendation made by the Assistant Labour Commissioner (Central), Pune, he was discriminated against, while persons held guilty of similar misconducts were lightly dealt with.

10. There is no substance in the contention that the enquiry was not conducted in consonance with the provisions of the Bipartite Settlement. The procedure required to be followed where any disciplinary action against an employee of a Bank is contemplated is laid down in clause (a) of para 19.12 of the Bipartite Settlement.

(a) An employee against whom disciplinary action is proposed or likely to be taken shall be given a charge-sheet clearly setting forth the circumstances appearing against him and a date shall be fixed for enquiry, sufficient time being given to him to enable him to prepare and give his explanation to also to produce any evidence that he may wish to tender in his defence. He shall be permitted to appear before the Officer conducting the enquiry, to cross-examine any witness on whose evidence the charge rests and to examine witness and produce other evidence in his defence. He shall also be permitted to be defended—

(i) by a representative of registered trade union of bank employees of which he is a member on the date first notified for the commencement of the enquiry.

(y) where the employee is not a member of any trade union of bank employees on the aforesaid date, by a representative of a registered trade union of employees of the bank in which he is employed:

OR

(ii) at the request of the said union by a representative of the state federation or all India Organisation to which such union is affiliated;

OR

(iii) with the Bank's permission, by a lawyer.

He shall also be given a hearing as regards the nature of the proposed punishment in case any charge is established against him.

11. In the present case, a charge-sheet-cum-show cause notice was served on the workman and he was called upon to show cause why disciplinary action should not be taken against him for the alleged misconduct. As mentioned above, particulars of the charges levelled against him were mentioned in the show cause notice and a statement showing various misconducts was also enclosed with the charge-sheet-cum-show-cause notice. The record of the enquiry proceedings was marked Exhibit M-1 with the consent of the workman. It will be seen from the enquiry papers that on the first date, the workman was asked whether he understood the contents of the charge-sheet and also whether he admitted any of the charges mentioned therein. The provisions of the Bipartite Settlement relating to domestic enquiry and also those relating to representation of his charge-sheeted employee by representative of employees union were also explained to the workman on the same date. It will also be seen that copies of all the documents relied upon by the management were furnished to the workman and these copies were compared with the originals by the enquiry officer and also by the workman before they were accepted and exhibited. About 45 documents were produced on 9-6-1983 and 41 were produced on 9-6-1983. After production of this documentary evidence and furnishing copies of the documents to the workman, the Bank examined two witnesses. Both the witnesses were cross-examined in detail by the workman. It is pertinent to note that before cross-examining the witness Shri B. S. Khadilkar, Manager of Vasagade Branch, the workman sought inspection of the original record, production of some documents and time for preparation for the cross-examination. All these requests were granted. The requisition were complied with and thereafter full opportunity was given to the workman to cross-examine the witness.

12. The next witness was G. R. Kabra who had carried out investigation in the alleged fraud on the instructions of the Group Superintendent, Sangli Group of the Bank. It is pertinent to note that each day's proceedings were signed by the workman alongwith the enquiry officer and the bank's representative and copies of these proceedings were furnished to the workman immediately. After oral evidence of the management was over on 24-11-1983, the enquiry officer asked Shri Mokashi whether he wanted to say anything about the Bank's evidence. Shri Mokashi replied that he could give his say in his arguments. Thereafter, the enquiry officer heard the Bank's representative as well as the workman,

who besides advancing oral arguments, submitted their written arguments also. The Enquiry Officer even sought some clarification from Shri Mokashi in regard to the contents of his written arguments. He also asked Shri Mokashi whether he wanted to say anything more in addition to what he had stated in his written arguments. After Shri Mokashi replied in the negative, the enquiry officer concluded the proceedings on 13-1-1984.

13. As mentioned above, the enquiry officer submitted his report on 13-2-1984. The report which is produced at Exhibit M-2 is quite exhaustive and detailed. It will also be seen from the report of the recommending authority, which is also quite detailed, that he had applied his mind to the evidence led at the enquiry and the circumstances of the case before making his recommendation in respect of the punishment to be inflicted on the workman. The action taking authority also gave an opportunity to the workman to be heard in respect of the proposed punishment, and after hearing the President, Vice President and the General Secretary of the employees union, he again passed a detailed order after considering the submissions made by the office-bearers of the union and the workman. The appellate authority also granted several adjournments to Shri Mokashi to keep his representative present for the hearing of the appeal. Both the Bank's representative and the workman submitted their written arguments, which it can be seen from the detailed order passed by the appellate authority were duly considered by him, before rejecting the appeal. It is thus clear that all the prescribed procedure was correctly followed and full and proper opportunity was given to the workman to defend himself against the charges levelled against him. The orders passed by the various authorities clearly show that they have applied their mind to the oral and documentary evidence led before the enquiry officer and the circumstances of the case.

14. It is true that there is no provision in the procedure prescribed by the Bipartite Settlement in respect of disciplinary proceedings to appoint a recommending authority for recommending the punishment to be inflicted on the delinquent. But that does not mean that by making such an appointment, the enquiry is vitiated in the present case. Not only that it does not offend the procedure prescribed in the Bipartite Settlement, but it provides another safe-guard in favour of the employee for ensuring that proper punishment is recommended.

15. There is also no substance in the grievance that the workman was not allowed to be represented by any office-bearer of the union of which he was a member. According to him, he wanted to be represented by Shri A. V. Jogalekar, the then Secretary of the employees union, but this request was wrongfully refused by the enquiry officer. It appears that on the first date of hearing Shri Mokashi gave a letter to the enquiry officer at the start of the enquiry proceedings making his request. The enquiry officer directed the bank's representative to give his say on the contents of the said letter. Accordingly the Bank's representative gave his say and the enquiry officer asked Shri Mokashi as to whether Shri A. V. Jogalekar can be allowed to represent him. The enquiry officer also stated that he would give his ruling on the issue, after Shri Mokashi put up his case on 24-5-1983. No order in this behalf was passed on 24-5-1983, because on 24-5-1983, the enquiry was adjourned to 25-5-1983 at the instance of the Bank's representative. Thereafter, on 25-5-1983 the enquiry was again adjourned to 7-6-83 at the request of the workman and it was further adjourned to 9-6-1983 at the instance of the Bank's representative. On 9-6-1983, the Enquiry Officer asked Shri Mokashi to put up his say regarding his request for representation by Shri A. V. Jogalekar. At that time, Shri Mokashi stated he would himself put up his case and he withdrew his request for representation. The proceeding of 9-6-1983 is signed by Shri Mokashi and it appears from the endorsement that a copy of that day's proceeding was given to him on the same day. It is also pertinent to note that when the action taking authority called upon him to show cause against the proposed punishment he was represented by the President, Vice President and the General Secretary and his appeal was also argued before the appellate authority by the Vice President of the union. There is, therefore, absolutely no substance in the grievance made

by the workman that he was not allowed representation as contemplated by the relevant provision of the Bipartite Settlement and hence the enquiry is vitiated for want of proper opportunity to defend himself.

16. It is difficult to accept the submission that the charges levelled against the workman were not duly established, and the finding recorded by the enquiry officer and the recommending authority, action taking authority and the appellate authority are perverse. As mentioned by the enquiry officer, it was not disputed that at relevant time, Shri Mokashi was working as Cashier-cum-Clerk at Vasagade Branch. As Cashier he was entrusted with the cash and a trust was automatically imposed on him by the Bank in regard to the cash at the branch and the transactions relating thereto and this trust was accepted by Shri Mokashi as is clear from the fact that he was working as Cashier at the branch from 23-11-1981 till he was put under suspension. The enquiry officer has described the modus operandi alleged to have been adopted by the workman for committing the fraud and misappropriation of the Bank funds in the following words :

“He accepted cash deposited by some account holders, made credit entries in their pass books on the same dates, delivered the counter foils to them but did not credit the amounts to their respective accounts and kept the pay-in slips and the amounts deposited by them in his personal custody for his own use and thus although such transactions took place at the branch he did not include them in the respective days' transactions in the books of the Bank. In some cases he credited the amounts either partially or in full subsequently, while crediting the amounts to the respective accounts he changed the dates on the vouchers etc. (i.e. Pay-in Slips) by scratching, overwriting, affixing dater rubber stamp.”

17. The Enquiry Officer has held that Shri Mokashi has committed fraud and misappropriation in the accounts at Sl. No. 1—8 of the statement attached to the charge-sheet. He also held that 6 out of the 8 pay-in-slips under which the amounts were deposited were destroyed by Shri Mokashi and that he credited all these amounts in the reserve accounts using six new pay-in-slips signed by himself and two original pay-in-slips changing the dates thereof. The Enquiry Officer has also held that Shri Mokashi misappropriated the amounts mentioned at Sl. No. 11 to 15 and at Sl. No. 17, 18, 20, 21, 23, 24, 25, 26, 27, 29, 30, 36, 37, 42, 43, 45, 46 and 49 and in respect of D. J. Certificates of Mrs. S. D. Jadav. The Enquiry Officer, however, gave benefit of doubt in respect of amounts credited on the next date. He has also held that Shri Mokashi had indulged in overwriting, scratching and altering the dates on vouchers either by hand or by using rubber stamp and that the entries in the account books of the Bank were not made on the dates on which the amounts were actually received, but were made subsequently as and when the amounts were actually deposited by the workman. He has held giving cogent reasons that charges No. 3 and 5 were duly established by documentary evidence. He was also right when he held that as charges No. 3 to 5 were established, charges No. 1 to 2 automatically followed. The findings recorded are completely supported by the documentary evidence which was produced before the Enquiry Officer. Shri Samant, the learned counsel for the workman could not show me a single instance in respect of which the finding given by the enquiry officer was not supported by definite documentary evidence. The submission therefore, that there was no evidence to support the findings which therefore are perverse, must be rejected outright.

18. This brings me to the question of severity of punishment. According to the workman, the management had taken a lenient view in similar cases. He had mentioned three such cases in para 8 of his affidavit dated 10th March, 1987. He however did not place any material on record to support his submission that the cases of these three employees were similar to him. It is true that the Assistant Commissioner of Labour had recommended a lenient punishment. But that would not justify interference with the discretion of the management, if it is found that it was

properly exercised. It is pertinent to note that the workman is found to have committed misappropriation, criminal breach of trust, forgery and falsification of accounts in respect of several accounts on several dates and in respect of some cases, he did not credit the amounts till the fraud was detected. Lenient view would have been justified, if the workman was found guilty of misappropriation, etc. in a solitary instance having been compelled to do so on account of acute financial difficulties under circumstances beyond his control. But in the present case, the workman had developed a modus operandi to systematically defraud the Bank and during the short period of his posting at Vasagade, he indulged in this activity in no less than 23 occasions. It is therefore absurd to say that the punishment inflicted on the workman is disproportionate to the guilt. According to me, it is the most appropriate punishment. No Bank can afford to keep in service an employee he developed a modus operandi to systematically defraud the Bank. The Bank has already taken a lenient view in the sense that it did not prosecute him for the series of criminal offences which he committed.

19. In the result, therefore, it must be held that the action of the Chairman of the Sangli Bank Ltd. in dismissing the workman Shri S. L. Mokashi from service was perfectly justified and that Shri Mokashi is not entitled to any relief.

20. Award accordingly.

M. S. JAMDAR, Presiding Officer

[No. L-12012/112/85-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 5 फरवरी, 1988

का. आ. 611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोल फिल्ड्स लि., के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-88 को प्राप्त हुआ था।

New Delhi, the 5th February, 1988

S.O. 611.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Western Coal Fields Ltd. and their workmen, which was received by the Central Government on the 19th January, 1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL-CUM-LABOUR
COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(23)/1984

PARTIES :

Employers in relation to the management of Western Coal Fields, Pench Area in respect of their Bhemori Colliery and their workmen S/Shri Madhu Shanker, Bhawandes, Basdeo, Jangloo, Ram Singh, Bhola Nath, Jethulal, Shyamal and Suradeen represented through The Secretary, S.K.M. Sangh (AITUC), P.O. Chendametta, Distt. Chhindwara (M.P.).

APPEARANCES :

For Workmen—Shri M. L. Chaube, Advocate.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (M.P.)

AWARD

Dated, the 10th January, 1988

Exercising powers under Section 10(1)(d) of the I. D. Act, 1947, the Central Government has referred the following dispute for adjudication, vide Notification No. L-22011(39)/83-D.III (B)/D.V., dated the 26th April, 1984 :—

SCHEDULE

"Whether the action of the management of Western Coalfields Limited, Pench Area in relation to their Bhamori Colliery in treating Shri Madhu Shankar as a Contractor and Shri Bhagwan Das, Basdeo, Jagnoo, Ram Singh, Bhola Nath, Jethulal, Shyamal and Surajdeen as Contract Labour and not regularising them on company rolls is justified? If not, to what relief are these workmen entitled to?"

2. On receipt of the order of reference, the case was registered and parties were noticed to file their statement of claims etc. Parties accordingly filed their pleadings and documents. Thereafter the case was fixed for evidence. In the meanwhile parties requested that they are negotiating for a mutual settlement and ultimately filed an application on 30-11-87 requesting that an award may be passed in terms of settlement which runs as under :

- (a) The management will give employment as Category-I Mazdoor to S/Shri Madhu Shankar, Bhagwan Das, Basdeo, Jagnoo, Ram Singh, Bholanath, Jethoolal, Shyamal, Surajdeen in Bhamori Colliery of Pench Area of Western Coalfields Ltd. w.e.f. 14-9-1987.
- (b) The workmen/Union give up all their claims i.e. back wages or any other benefits for the period from the date of engagement as Contractor or the date of employment and also for the period from September 1983 to 14-9-87 during the period no work was allotted to them.
- (c) The period from termination of contract till 14-9-87 will be deemed to be treated as dies-non and the individual concerned in the reference will not entitled to any benefit whatsoever for the period.
- (d) For the purpose of Gratuity, the period of service rendered by them from September 1977 to August, 1983 will be counted.
- (e) The Union give up all other claims whatsoever against the management in respect of the dispute directly or indirectly connected with the employment of the above individuals.
- (f) The parties shall submit the settlements before the Central Government Industrial Tribunal, Jabalpur and pray for an Award in terms of settlement.
- (g) The Union has submitted that they have been conducting the case for the last 4 years and have spent huge amount in taking up the case. The parties agree that the question of cost will be left to the discretion of the Central Government Industrial Tribunal, Jabalpur.

3. The terms of settlement perused. The settlement arrived at between the Union and the management appears to be mutual, just and proper and to the benefit of the workmen hence accepted.

4. One of the terms of the settlement is that cost of these proceedings has been left to the discretion of this Tribunal. I heard parties on the question of cost. These proceedings stated before this Tribunal as far back as on 8-5-84. There have been about 29 hearings in this case and 9 workmen were involved. I, therefore, find some justification in the claim of the Union that substantial cost be awarded to reimburse the workmen. Looking to the duration of the litigation the sufferings of the workers appear to have been great. I am of the opinion that cost of Rs. 1,000 to each of the workmen will serve the end of justice.

5. Accordingly it is ordered that award be passed in terms of settlement. The management will bear their own cost of

these proceedings and pay Rs. 1,000 to each concerned workman as cost of these proceedings.

6. Award passed accordingly.

V. S. YADAV, Presiding Officer
[No. L-22011/5/85-D.V.]

का. आ० 612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, राखी कोल कोलियारी, डाकघर राखी कोल, जिला छिन्दवाड़ा मध्य प्रदेश के प्रबंध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-88 को प्राप्त हुआ था।

S.O. 612.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rakhikol Colliery, P.O. Rakhikol, Distt. Chhindwara (M.P.) and their workmen which was received by the Central Government on the 19-1-1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT JABALPUR (M.P.)
Case No. CGIT/LC(R)(75)/87

PARTIES :

Employers in relation to the management of Rakhikol Colliery of WCL, P.O. Rakhikol, Distt. Chhindwara and their workman Shri Nathya Singh S/o Sunderlal, Ex-Store Clerk, P.O. Rakhikol Colliery, Distt. Chhindwara (M.P.).

APPEARANCES :

For Workman—Shri D. N. Tripathi.

For Management—Shri H. Singh, Personal Manager.

INDUSTRY : Coal DISTRICT : Chhindwara (M.P.)

AWARD

Dated, the 11th January, 1988

Exercising powers under section 10(1)(d)(2A) of the I.D. Act 1947, the following dispute has been referred by the Central Government for adjudication vide Notification No. L-21012/11/76-D.III (B), dated the 27th May, 1987.

SCHEDULE

"Whether the action of the management of Rakhikol Colliery of WCL, P.O. Rakhikol, Distt. Chhindwara in dismissing Shri Nathya Singh S/o Sunderlal, Store Clerk from services w.e.f. 11-12-82 is justified? If not, what relief the worker is entitled to?"

2. On receipt of the reference order the workman concerned filed his statement of claim on 25-6-87 through his representative Shri D. N. Tripathi but the management sought adjournment for filing the statement of claim. On 30-7-87 Counsel for the management requested for time to file settlement which was allowed. They filed the settlement on 25-8-87. Thereafter the workman concerned was asked to appear in person to verify the settlement but the workman concerned did not care to attend the Tribunal.

3. I have gone through the terms of settlement duly signed by the management and the workman concerned Shri Nathya Prasad. It appears that he has no objection to the terms and conditions of settlement as reached between him and the management. Therefore I accept the terms of settlement which appear to be just, fair and in the interest of workman concerned and make the award in terms of settlement which are as under :—

TERMS OF SETTLEMENT

1. It is mutually agreed to re-instate Shri Nathya Prasad, Ex-Store-Keeper, Rakhikol Colliery within one month of date of signing the settlement.
2. It is mutually agreed that as the dismissal was in order, Shri Nathya Prasad will not be paid any wages etc. from the date of dismissal to date of re-instatement.
3. It was mutually agreed that period between dismissal and re-instatement will be treated as dies-Non.
4. It was mutually agreed that the cost of 68 bags of Cement will be recovered from the wages of Shri Nathya Prasad in instalments at the current price of cement.
5. It was mutually agreed that Shri Nathya Prasad will be on probation for one year, from the date of re-instatement. During this period, his performance and conduct will be watched.
6. It was mutually agreed that Shri Nathya Prasad will be posted in any of the Units of Kanhan Area in any Cadre other than Stores in the same scale of pay depending on the requirement of the Management.
7. The Union agreed not to make this case, as a precedence.
8. It was mutually agreed that this settlement is full and final and the Union or the workman will not raise any demand or dispute before statutory or Non-statutory body, regarding the case.

make no order as to costs.

V. S. YADAV, Presiding Officer

[No. L-21012/11/80-D.III (B)]

का.शा. 613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टर्न कोल फील्ड्स लि. के प्रबंध तंत्र में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार 19-1-88 को प्रोप्त हुआ था।

S.O. 613.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd. and their workmen, which was received by the Central Government on the 19th January, 1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(30) of 1986

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur (M.S.) and their workmen represented through the General Secretary, Koyla Shramik Sabha (HMS), Korba, Post Korba, District Bilaspur (M.P.)

APPEARANCES :

For Union—Shri R. N. Srivastava, General Secretary.

For Management—Shri J. P. Srivastava, Addl. Chief Personnel Manager and Chief Officer.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated, the January 11, 1988

In exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, vide Notification No. L-22011(5)/85-D.V dated 7-3-1986, for adjudication —

SCHEDULE

"Whether the demands of the Union, in view of the agreement dated 17-7-1984 is justified, to re-employ the ex-casual workers of WCL? If yes, to what relief the workmen are entitled?"

2. The Koyla Shramik Sabha (HMS), Korba (hereinafter referred to as the Union) has examined three witnesses viz. Mansood Mian (WW-1), Birender (WW-2) and Ganesh Singh (WW-3) to prove that they had worked for some time with the management and were members of the Union. Their statements are challenged on the ground that the witnesses have stated that they got the certificates prepared after the receipt of the interview call which was held in September 1984. This does not appear to be natural and true. The fact remains that these workmen numbering 234 had appeared in interview. This fact cannot be disputed by the management as it is a matter of record. Their statements cannot be disbelieved as being not natural. I, therefore, see no reason to disbelieve that 234 persons appeared in interview whose names are given in the Selection Committee Report and its Annexure (Ex W-82 and Ex. W-83).

3. On the other hand management has examined Shri G. K. Sharma, Office Superintendent, who has merely proved certain documents, Ex M-1 Ex M-3, Ex. M-5, Ex. M-7 to Ex. M-9 and the merit list Ex. W-83. Management has also examined Shri G. K. Prasad (WW-2) who was posted during the relevant period. From his statement Ex. M-12 to Ex. M-18 are proved. Shri B. Duna Duna (MW-3), Senior Personnel Manager from 1982 to 1986, proved documents Ex. M-19 to Ex. M-30. Statements of Shri B. S. Sekhon, Additional Chief Personnel Manager (MW-4) in the year 1978 and Shri R. K. Singh (MW-5) Personnel Manager on affidavits filed and were cross-examined on their affidavits by the Union. Their statements and the earlier affidavits filed in writ petitions are part of the documents. Affidavit and the statement of Shri B. S. Sekhon, Additional Chief Personnel Manager has been relied on. Shri Sekhon has traced the history. The case of the management is based on documentary evidence and same has been proved. Documents speak for themselves. I therefore need not dwell on at length on the oral statement and the affidavit of this witness. Shri P. K. Singh, Personnel Manager has been also examined on affidavit who had held the interview and he had selected 234 casuals. He has also stated that he had taken the interview in view of the settlement Ex W-1. Ex. W-2 is his report which says that 234 persons attended the interview and in accordance with the norms he had found all the 234 persons who appeared before the Committee suitable for employment. Thus his statement does not in any way destroy the case of the Union.

4. Facts relevant for the purpose of deciding this reference are based on documents which are either admitted or proved by evidence. The same are that the Union had filed petitions for Special Leave to Appeal before the Hon'ble Supreme Court, No. 3757, 3782 and 3697 of 1981 against the Union of India and others and the Hon'ble Supreme Court while dismissing those petition on 14-9-1981

made certain observations in SLP 3782/81 which are relevant for the purpose of this case :—

“We however give the opportunity to the petitioners to make a fresh representation to the respondents in regard to regularisation of their services. If such representation is made it shall be considered on merits for all 100 persons.”

There were various meetings, discussions and conciliation proceedings in regard to the demand of the Union. I will take up some important material events.

5. Ex. M 14 is the confidential Memo of Shri N. K. Saksena, O.S.D. (Revenue) dated 20-2-1984 regarding the land oustees whose land was acquired for mining purpose. In this letter he stated that from March/April 1979 land oustees began clamping for employment in pursuance of the Company's gesture to offer employment to one of the nominees or dependent of the land oustees. There was conciliation proceedings between the management and the Union represented by Shri R. N. Srivastava before Shri P. N. Rajdan, Conciliation Officer held on 29th and 30th September, 1980 (Ex. M-18). In this, issue regarding regularisation of 100 workers was a hot issue. These proceedings go to show, (para 9 of Ex. M-18) that the dispute was raised by the Union on this issue in 1978, but the issue has not been resolved. This issue was referred to the L.E.O. (C) Bilaspur and Assistant Labour Commissioner (Central) Shahdol for enquiry in regard to their attendance and they have submitted their report to Regional Labour Commissioner (Central) which is on record (underlining is done by me). The underlined portion proves that this issue was referred to the officers and they submitted their report, which now is being suppressed by the management. Thus the plea of the management that letter Ex. M-13 dated 17-6-1980 is a forged document cannot be sustained merely on the ground that the letter is not traceable in their office and there are some discrepancies about the dates and despatch number etc. It could be just a typing error at any stage specially when the letter is missing or suppressed. In this connection, it is pertinent to note that the last line of Ex. M-18 says that the representative of the management had stated that on further verification those names were found to be faked but he did not substantiate their contention by support of any record. Ex. M-11 dated 11-11-1981 is this letter mentioned above which the management alleges is to be faked and fabricated. But as I have pointed out above there that was such a correspondence which has been mentioned in Ex. M-18 while referring to meeting held on 29th and 30th September 1980. It is pertinent to note that the list submitted by the Sub-Area Manager, Manikpur to L.E.O. (C) pertaining to 215 workers (See Annex. to Ex. M-11). Ex. M-12 are the minutes of discussion before the L.E. (C) on the direction of A.L.C. (C) Jabalpur in the matter of strike notice consisting of 21 demands. Management's plea is that no reference has been made in this discussion regarding Ex. M-11 and their contents, therefore those documents are fake. From Ex. M-12 it is crystal clear that the management had sought an adjournment and the Union has opposed it. Therefore, there was no occasion to mention Ex. M-11 in these proceedings. Therefore no adverse inference can be drawn on this score. But from this Ex. M-13 application of SAM, Manikpur dated 17-6-1980 it is clear that the management had asked for adjournment to produce the record of casual workers on the ground that the P.A. has gone on leave. Ex. M/16 is the letter dated 5-3-1981 of the Additional Chief Personnel Manager to Shri R. N. Srivastava. In this also reference to item no. 10 regarding the representation of cases of regularisation and appointment of 100 casuals has been made. In this letter reference has also been made to bona fide land oustees and the persons who have not been re-employed. This goes to show that the dispute was two fold, first re-employment of certain ex-workers and the second cases of land oustees pending as a dispute. Ex. M/17 dated 8-8-76 is the findings of the Committee constituted for the purpose by the General Manager. In this, workers were divided into three categories, those who had worked for 240 days, 100 days as casuals in the year 1974 to 1976 and casuals engaged in 1975 having more than 150 days attendance and continuing in 1976 and the casual workers engaged in January 1976 and sponsored by the Employment Exchange also discussed at length the feasibility of absorbing

such casuals permanently with effect from 15th May, 1976. This goes to show that the cases of not only the land oustees out of those casuals who had put in a certain period of service was under consideration and this list was submitted and approved by the General Manager, Korba which contains a list of 206 casuals whose attendance has been shown therein. Contrary to this Ex. M/19 is very late list dated 4-3-1981 showing who could be appointed and who could not be in view of their age and for want of particulars out of those list of 234 persons under consideration. Ex. M/20 to Ex. M-32 are the documents, affidavit and record on which the management has relied subsequently when the case was before the Hon'ble Supreme Court for contempt proceedings. Even these documents also go to show that at such a late stage also it was treated to be an industrial dispute between the management of Western Coalfields Limited, Korba and H.M.S. Union, Korba. In this regard, it is pertinent to note that it was only at the late stage that the management took up the stand of denying the claim of the Union on the basis of certain complaints and newspaper propaganda of the other rival union like Ex. M/22 to Ex. M/31 and Ex. M/31 to Ex. M/39. There was complaint to the police also and the police registered case which has ultimately gone in favour of the Union (See Judgment dated 6-7-87 of A.S.J. Bilaspur in Criminal Revision No. 42/87—Ex. M/97).

6. Ex. M/36 is the letter dated 15-12-1982 of the Senior Personnel Officer, Manikpur, to Shri R. N. Srivastava asking for the names and father's names of the ex-casuals for verification. Ex. M/82 to Ex. M/84 and other documents on record go to show that out of this list furnished by the Union 16 persons were appointed by the management (See Ex. W/89, Ex. W/90, Ex. W/94 to Ex. W/96). Ex. M/40 to Ex. M/43 are the counter affidavit of Shri B. N. Prasad, Additional Chief Personnel Manager filed in this regard on behalf of the management in the writ petitions. It appears that Misc. Petition No. 674/82 was also filed in the High Court of Madhya Pradesh wherein the order issued on 8-9-82 allowing withdrawal of petition goes to show that Advocate of the management, Shri P. S. Nair, stated that one fresh application being made by the petitioner together with additional material which is relevant to support the petitioner's claim, the same shall be considered by the management and decide on merit within a reasonable time of making the application. This goes to show that on 8-9-82 as well, management's stand remained that they will consider the claim of the Union and decide the matter within a reasonable time.

7. On the other hand, the Union has filed particulars of the persons whose dispute was raised for employment by the Union. Those are Ex. W/2 to Ex. W/74.

8. I have already referred to the management's allegation that the letter dated 11-11-1984 and its contents (Ex. M-11) are forged. But the falsity of this allegation is apparent from the confidential letter dated 3-3-1984 (Ex. W/91) written by Shri N. K. Prasad, Chief Manager (P&A) Bilaspur to Additional Chief Personnel Manager, Manikpur wherein it has been mentioned that he is sending the letter of C.M.D. endorsement in original which contained the letter No. 9842-4, dated 19-4-1980 from Sub-Area Manager, Manikpur which contains a list of 215 casuals. This letter further shows that “due to unavoidable reasons we could not send these papers to you earlier” with a request that Shri Patnaik, Senior Personnel Officer be deputed to verify.

9. The Union has also relied on admitted and proved documents, I, therefore, proceed to take the contention of the Union also based on documentary evidence. Their contention is that the Agreement dated 17-7-1984 (Ex. W/1) was arrived at after discussions before the final agreement. This agreement was arrived at in order to handle the situation created by the aforesaid direction of the Hon'ble Supreme Court. In pursuance of the agreement the following steps were taken by the parties :—

- (a) Interview letter was issued by the management to the claimants for holding interview on 29th and 30th September, 1984 by the Selection Committee (Ex. W/82).
- (b) The claimants were required to bring the said certificates duly countersigned which they had brought

as per agreement. None of the claimants were rejected by the Interview Committee. In terms of the agreement claimants/Union withdrew cases before the High Court of Jabalpur and Calcutta. The second part of the agreement regarding calling the Security Guards for interview and then issuing appointment orders by the Selection Committee was done. Thus Agreement was complied with in letter and spirit.

In this connection, it is pertinent to note that in reply dated 1st September, 1987 filed by the management in the proceedings between the parties before the Civil Judge, Junior Division, Nagpur (Civil Suit No. 1592/87). In this Civil Suit management has agreed that the settlement dated 17th July, 1984 has been complied with in the following words :—

"It is specifically denied that the defendants are committing breach of the settlement dated 17-7-84, entered into between the plaintiff no. 1 and the defendants nos. 1 and 2. It is specifically denied that the defendant no. 4 has started recruitment of the post of Security Guards in utter disregard to the Agreement dated 17-7-84. It is humbly submitted that the agreement dated 17-7-84 has been fully followed and complied with by the defendant No. 1 and 2 and now nothing remains to be done under the agreement and hence, the question of its breach by either of the defendants does not arise." (See Ex. W/98).

(c) A contempt petition was filed for non-complying with the direction of the Hon'ble Supreme Court. Thereafter 16 ex-casuals were employed after due identification.

(d) Even in conciliation proceedings held before the A.L.C. Bilaspur management vide their letter dated 28/29th April, 1985 (Ex. W/75) has specifically agreed to implement the agreement in the following words :—

"In view of the claim and counter claims with regard to genuineness or otherwise of the concerned persons, the understanding arrived at as recorded in the notes of discussion appears to be incapable of being implemented. As far as the management is concerned, we assure you, that we are keen to honour the commitments made as long as the right persons could be identified. As such, we shall be quite willing in tripartite discussions at the level of ALC(C), some acceptable norms/principle for identification of the right persons could be evolved."

The above does not only go to show that the parties had taken steps to comply with the said agreement but the matter was referred to conciliation officer in writing.

10. The management has raised certain preliminary objections. The same are that the reference was made without considering the material facts and ignoring the relevant facts, without the application of mind and the reference is in respect of non-existing facts. In this regard, reliance has been placed on *Hochtief Gammon Vs. State of Orissa* (1975 SCLJ, p. 448). In this case it has been laid down that the executives have to reach their decision by taking into account the relevant facts and relevant material. In this case, the Government had considered it inexpedient to refer the question for adjudication. As such it was a case of refusal by the Government to make reference. In the instant case, the position is just reverse. Vide letter dated 25th May, 1981 (Ex. M/15) earlier the Government had refused to refer the dispute for adjudication to this Tribunal but it was refused on a specific ground that the Union has failed to prove claimants service period for the claim to be regularised. From this very order, it is crystal clear that the Government while refusing to refer the case had not taken into account the case of land owners whose cases had nothing to do with their service period. It appears that the Union challenged the decision and ultimately Government referred the dispute to this Tribunal. From this, it is crystal clear that the refusal was on account of failure to take the relevant facts into consideration and therefore the case of *Hochtief Gammon* (supra) does not help the

management. The law on the point i.e. under Sec. 10 of the I.D. Act is now well settled that the power of the appropriate Government to make reference is an administrative act, once it forms opinion that there is existing dispute. This power is neither judicial nor quasi-judicial. The opinion which the Government forms being the subjective adequacy or sufficiency of the material of which the opinion is formed is beyond the pale of judicial scrutiny (M/s. Avon Services 1979-II SCR 45). It is also now well settled that the Government can always review its previous decision and make a reference (*Panipat Woollen and General Mills Co. Ltd. Vs. I.T.* 1962 1-LLJ 555) provided its act is bona fide and within reasonable time particularly when the dispute relates to discharge of workmen wholesale. A refusal to make a reference does not denude a very vital power conferred on the Government in the interest of industrial peace and harmony and it cannot be whittled down (*Avon Services case*) (supra). It is also now well settled that the Government refusal to exercise its power earlier cannot mean that the dispute had ended. Even fresh material are not necessary for review.

11. On behalf of the management it has been further contended that the Government while making the reference failed to take the following relevant material into consideration :—

(i) Report of the Joint Chief Labour Commissioner to make the detailed enquiry.

(ii) Submission of management after due verification of report of the O.S.D. Shri N. K. Saxena (Ex. M/14).

(iii) Reply of Additional C.P.M. dated 5-3-1981 (Ex. M/16).

(iv) Recommendation of the Selection Committee (Ex. M/17).

(v) Judgment of Supreme Court in the SLP and Contempt Petition (Ex. M/42).

(vi) Minutes of discussion dated 29th and 30th September before Conciliation Officer (Ex. M/18).

As far as submissions or affidavit or otherwise of the management is concerned it was a party to the dispute and it took up the stand which it did rather late in the day. Enquiry made by the officer if not acted upon by the Government it means that it was not accepted. I have already discussed the conciliation proceedings dated 29th and 30th September, 1980 (Ex. M/18) and on that basis I have already found that the plea of alleged forged document is not correct.

12. As for the judgment of Hon'ble Supreme Court and the connected documents (Ex. M/40 to Ex. M/43) are concerned, I have already pointed out that the rejection of petitions does not amount to find that the case of the Union is false as long as the Hon'ble Supreme Court thought it fit to give relief and liberty to the Union to make fresh representation with respect to 100 persons which would be considered on merits (Ex. M/42). Considering the fact on merit does not mean that the management can take up any plea to run down the claim of the Union. Documents relied on by the management firstly go to show that the management refused to act for want of record with them and difficulty in finding out real claimants. In my opinion, it is not a valid ground. The Revenue records are permanent records and materials could be ascertained by getting the old revenue records from the Record Office. If the Government has lost the record prepared earlier an adverse inference has to be raised against the management and not against the Union.

13. It is a fact that like the Union the management has also been taking the changing stand from time to time. Sometime they say that only a list of 77 persons were submitted out of which 65 individuals possessed the certificates issued by the Tahsildar. Instead of employing them, management further called 328 candidates from the Employment Exchange. 214 candidates had qualified in physical test out of which 16 individuals are admittedly employed. In the circumstances, it cannot be said that the Government failed to take relevant facts into consideration while making the reference and that it had taken the non-existing facts into consideration. It cannot also be said that the Supreme Court had finally decided the matter and the principle of *res indicata* or constructive *res indicata* applies.

14. Next it has been contended on behalf of the management that individuals were outsiders and they could not have been the members of the Union. Union has failed to produce their bye-laws etc. to prove that it was competent to sponsor their case. Management filed annual statement for 1978-79 (Ex. M/10=Ex. M/45) of the year in which the Union came into existence which says that in that year it had the membership of about 78 persons. To my mind, this does not debar the Union from raising the dispute through its Secretary or any other office bearer. In this connection, it is pertinent to note that the Union has been raising the dispute of land oustees and all those who had put in certain period of service with the management throughout. It also raised the question before the Hon'ble Supreme Court and before the Hon'ble Supreme Court it was assured that cases of 100 casuals will be considered. It is on record that on one pretext or the other the management failed to give relief and recruited fresh candidates.

15. The Union before and after the settlement dated 17th July, 1984 (Ex. W/1) continued the dispute not only at the management's level but even before the higher authorities and the Government. This firstly goes to show that there was an existing dispute, secondly that the same has not been resolved. Thus the Union had every right to raise the dispute and the Government was right in making reference though subsequently.

16. The plea of the management further is that these ex-employees or the land oustees were not the members of the Union. Therefore the Union had no right to take up their dispute. This is to my mind an empty exercise. As an illustration I will cite the cases of dismissed or retrenched employees who are no longer members of Union or in service, but there is no bar for the Union taking up their cases. Union certainly had a right to protect the cause of the land ousters and the employees who were retrenched improperly and illegally by the management.

17. Sec. 2(qq) of the I.D. Act defines "Trade Union" means a trade union for the time being registered under the Trade Union Act. It is not the case of the management it was not registered. In any case Union has filed a Registration Certificate No. 2216 (Ex. W/99) which goes to show that it was a registered body and it could take up the dispute of the workers whether ex-employees or land oustees. The record goes to show that right from the inception, Union has been raising the dispute in respect of workers, throughout before the management, conciliation officer, Government and even before the High Courts and Supreme Court. Therefore, it can neither be said that the dispute was settled or there was no dispute on this account between the Union and the management in regard to these workers. Further more record goes to show that 16 out of these workers were employed by the management. Therefore assuming that some workers were not members of this Union that does not debar the Union taking up their case when some admittedly were the members of the Union.

18. I have considered the relevant documents relied on by the parties. I find that the management has tried to back out from the settlement dated 17-7-1984 by raising various technical pleas and the pleas like that the Union has been submitting list from time to time. Out of those list submitted by the Union there were discrepancies in the list. It is further pointed out that on verification certain persons were not found to be in the employment of the management. It was also found that names of certain persons were introduced who were found to be minors on the relevant date. Last but not the least the difficulty in ascertaining the correct persons. It has been pointed out that the list submitted by the Union was verified by the Committee constituted as per this agreement in the year 1984. This does not mean that they were the correct individuals as land oustees and ex-employees of the management. To my mind all these arguments are irrelevant. Crucial question is whether this settlement or agreement dated 17-7-1984 (Ex. W/1) was arrived at between the top ranking high officer of the rank of Chairman/Managing Director of the Western Coalfields Limited and the Union represented by its President and the Secretary

is entitled to any weight or not. For the sake of convenience I reproduce the settlement dated 17-7-84 (Ex. W/1):—

"1. (Appointment of the case of Casual Mazdoor of Manikpur colliery in view of the decision of the Hon'ble Supreme Court)

It is agreed that all the casual mazdoors pertaining to the list submitted by the union to the Supreme Court and also the list submitted by the ex-Sub-Area Manager, Manikpur Colliery vide his letter No. MKP/LEO(C)-9842-44 on 19-4-80 to the Labour Enforcement Officer, Bilaspur will be given appointment within a period of one month i.e. before 17th August, 1984 (on the same line on which the other casual Mazdoors of the year 1976-77 of Manikpur and Surakachar colliery have been considered after the decision of the Supreme Court). The casuals are not required to get their names sponsored through the Employment Exchange, but they shall have to bring their identification certificate of their respective areas at the time of interview which must be duly signed by the M.L.A. and the Mukhiya or Sarpanch which should also be counter-signed by the local Police Officer of the Police Station.

It is also agreed that the interview will be held in Nagpur by a duly constituted committee headed by Shri R. K. Singh, Dy. C.P.M. along with other members. The General Mazdoors after appointment will be posted anywhere in Category I.

2. (Appointment of Security Guard)

It is agreed that all the old applicants for the post of Security guard whose cases are pending with W.C.L. to whom interview letters had been issued will be again called for interview of this settlement the parties are requested to withdraw the case from the High Court, Jabalpur and Calcutta. It is agreed.

Sd./- Shri T. V. Lakshmanan,
Chairman/Managing
Director
17th July, 1984.

Sd./- Shri Himanshu Pandey,
President

(2) Sd./- R. N. Srivastava,
General Secretary."

The above agreement mainly says that "It is agreed that all the casual mazdoors pertaining to the list submitted by the Union to the Supreme Court.....will be given appointment within a period of one month i.e. before 17th August, 1984. The list was submitted to the Supreme Court and the Hon'ble Supreme Court had given the direction reproduced above for 100 workmen. Management as already pointed out has taken steps to implement this part of the agreement by inviting the workers and taking their interview etc. Therefore management cannot refuse to implement this part of the agreement regarding 100 persons on any ground whatsoever.

19. Next part of the agreement relates to the list submitted on 19-4-1980 by the Sub-Area Manager, Manikpur Colliery. This part of the agreement is challenged on the ground that it was obtained by practising misrepresentation or fraud. I have already held that the misrepresentation or fraud is not proved. In any case, the first part of the agreement regarding 100 persons on any ground cannot be whittled down because the second part, according to the management, is not beyond doubt. Management has already implemented the agreement regarding the security guards and the Union has complied with the agreement by withdrawing the cases from the High Court of Jabalpur and Calcutta.

20. Learned representative of the management, Shri J. P. Srivastava, has taken pains to argue the case before me. He has tried to suggest that this agreement was arrived at by playing fraud with Shri T. V. Lakshmanan, Chairman/Managing Director. But it is surprising that there is not a single document on record to show that Shri T. V. Lakshmanan, the then Chairman-cum-Managing Director, had ever denied the settlement or alleged that it was obtained by practising

fraud on him. In the absence of his statement, affidavit or refuting the agreement, such a plea cannot be accepted on the basis of an affidavit or statement of Shri B. S. Sekhon or Shri R. K. Singh who were not party to the settlement or the agreement.

21. The above settlement has also been challenged on two grounds. Firstly that it was only a record note of discussions and not a settlement. By bare perusal of the settlement this contention is found devoid of any substance. It is always in conciliation proceeding that bipartite or even tripartite settlements are arrived at. Secondly it has been challenged that it is contrary to rule 58 of the I.D. (Central) Rules, as such not enforceable as laid down in Delhi Cloth Mills Vs. Workmen (1970 LIC 1407). In this connection, I am of the opinion that Rule 58 is merely directory and not mandatory. Such a comment has also been made by learned Author, Shri O. P. Malhotra, in his book "Law of Industrial Disputes" Fourth Edn. Vol. 2 at page 1239 in the following words:—

"This rule requires the parties to the settlement to send a copy thereof jointly to the appropriate Government. The Memorandum of settlement in this case was sent along with a letter from the management instead of sending the same jointly to the Government. The Court took the view that since the settlement in question was not jointly sent to the Government, the rule was not complied with in order to clothe the settlement with a binding character on all the workmen. This view again does not appear to be correct, because the requirement of jointly sending a copy of the memorandum of settlement to the Central Government is merely directory and it cannot be mandatory on the proper construction and understanding of this Rule."

On perusal of record I find that the Ex. W/75 dated 28/29 April, 1985 goes to show that the report of this settlement dated 17-7-1984 was made to the A.L.C.(C) Bilaspur. This is apparent from the opening words of the letter Ex. W/75 written by the Additional Chief Personnel Manager to the A.L.C. Bilaspur which says please refer to your letter No. BSP/4/1/75 dated 13-3-85 and subsequent discussion dated 19-4-1985 which at para 6 onwards refers to industrial dispute. Para 6 further says that the matter was taken up in conciliation by the Joint Chief Labour Commissioner (C), New Delhi and on receipt of the failure of conciliation report Government of India, Ministry of Labour examined the same and informed the parties. This clearly goes to show that the settlement had reached the office of the A.L.C.(C) and also Joint Chief Labour Commissioner as well as Ministry of Labour. This to my mind is sufficient compliance of Rule 58 of the I.D. (Cent) Rules which as I have already pointed out is not mandatory one. Thus I find that the settlement cannot be ignored on the technical ground that provision of Rule 58 was not complied with. Even if the contents of Ex. W/1 dated 17-7-1984 are not treated to be a settlement under the Industrial Disputes Act and Rules, I am of the opinion that since after a long discussion between the participants of discussion after withdrawal of cases from Jabalpur and Calcutta High Courts, the agreement was signed by an officer no less than the Chairman/Managing Director of a public sector, the management cannot go back on to what has been agreed upon in writing on 17-7-84 and a part of that agreement has already been implemented by the management.

22. Learned representative of the management relying on the case of M. P. Pottary Workers Union Vs. Perfect Pottary (AIR 1979 SC. 1356) contended that this Tribunal cannot travel beyond the scope of reference. This is the settled law and I agree with him.

23. Next limb of his contention is that the reference is not definitely for implementing the agreement dated 17-7-84 otherwise the Government would have worded the reference in a different language. According to him, this Tribunal is only to consider whether the demand of the Union for re-employment of ex-casual workers is justified. The condition precedent for consideration is the proof that the individual concerned had worked as ex-casuals. There is not an iota of evidence to show that any individual had worked in W.C. Ltd. whom the Union has sponsored. This is not quite correct. On 4-3-1985

Shri R. K. Singh, Deputy Personnel Manager had verified the list and he had found age of six persons was below 18 years in the year 1976. If any workman was under age in the year 1976. It has now no relevancy in the year 1987. He had also verified all the 234 persons who had given their home address, address of the colliery and address of Colliery as well as home town (Ex. M/19). He has further contended that as per the direction of the Hon'ble Supreme Court 100 persons were entitled to make representation only and not that they will be absorbed. This is fallacious. If the Hon'ble Supreme Court's direction entitled them to make representation and they had a right to be considered, then if found fit by the Committee constituted for the purpose, they acquired a legal right under the contract to be absorbed. If such a right is denied to them on any pretext it will amount to breach of contract and breach of contract is enforceable by this Tribunal and Government.

24. The contention of the Union with regard to binding nature of the settlement is that even though the agreement may not be a settlement under Sec. 12 and 18 of the I.D. Act, but it was an agreement between the parties out of the Court or Conciliation, wherein the management had agreed to provide some benefits to the claimants and in turn Union was to withdraw cases from the High Courts of Jabalpur and Calcutta. A settlement under I.D. Act is never executed by reference to the Labour Court or Industrial Tribunal. A settlement is entitled to be executed on its own force and non-compliance of the settlement as argued by the learned representative of the Union leads to the prosecution under Section 29 of the I.D. Act. In case of removal of any difficulty reference could also be made under Section 36A of the I.D. Act. Therefore assuming as has been contended by learned representative of the Union that if contract which was arrived at between the Chairman-cum-Managing Director and the Union is not binding because Rule 58 has not been complied with, but it does not lose its sanctity and binding nature on management as the agreement matured into a contract between the parties. Such a contract is not only enforceable under the Contract Act but it has also the penal provision by way of prosecution under Sec. 29 of the I.D. Act.

25. Coming to the first part of the contention of the learned representative of the management regarding the scope and wordings of the reference, I find that the Schedule to the reference says whether the demand of the Union, in view of the agreement dated 17-7-1984 is justified to re-employ the ex-casuals workers of W.C.L. It is true that firstly this Tribunal has to see whether the demand of the Union is justified, but this justification is not to be seen in isolation. It is to be seen in the light of the agreement dated 17-7-1984. The settlement dated 17-7-1984 (Ex. W/1) quoted by me above says that it is agreed that all the casual mazdoors pertaining to the list submitted by the Union to the Supreme Court and also the list submitted by the Ex-Sub Area Manager, Manikpur Colliery vide letter dated 19-4-1980 to the L.E.O.(C) Bilaspur will be given appointment within a period of one month i.e. before 17th August, 1984. It further says that such appointments are to be given on the same line on which other casual mazdoors of the year 1976-77 of Manikpur and Surachar Colliery have been considered after the decision of the Supreme Court. This certainly refers to other casual mazdoors taking into account the ex-casual workers. Therefore the contention of the management that the cases of ex-casuals and the question of their employment cannot be considered in this reference is without any substance. The settlement Ex. W/1 further says that the casuals are not required to get their names sponsored through the Employment Exchange but they shall have to bring their identification certificates at the time of interview which must be duly signed by the M.L.A. and the Mukhiya or Sarpanch which should also be counter-signed by the local Police Officer of the Police Station. It further says that the interview will be held in Nagpur by a duly constituted Committee headed by Shri R. K. Singh, Deputy Chief Personnel Manager along with others. Not only this it further says that general mazdoors after appointment will be posted anywhere in Category I. Thus by reading the entire settlement it is crystal clear that it was very specific about the steps to be taken and the Government had this dispute regarding the demand of the Union in view of the agreement dated 17-7-1984 to seek its justification from this Tribunal about the re-employment

of ex-casual workers of W.C. Ltd. Therefore if this agreement is isolated from the reference, the reference would become meaningless.

26. It is true that I have to only consider the justification of the demand of the Union in view of the said agreement as far as the first part of the reference is considered, but there is second part of the reference which says "if yes, to what relief the workmen are entitled". If this part of the reference was not made by the Government then alone it could be said as has been argued by the learned representative of the management that I have to give my opinion regarding the demand of the Union and its justification only. But in the second part I have to also express my opinion about the relief to which these workers are entitled.

27. I have already held that the demand of the Union, in view of the agreement dated 17-7-1984 is justified and the management cannot now back on the agreement/settlement/contract (Ex. W/1). Regarding the relief I find that a Selection Committee headed by Shri R. K. Singh, Dy. C.P.M. was formed to adjudge the suitability of the Ex-casual workers of Korba Area. The said Committee has after interview found 234 persons fit and recommended them for re-employment vide Report dated 8-12-1984 (Ex. W/82 and W/83). Ex. W/1 shows that it was agreed between the parties that "all the casual mazdoors pertaining to the list submitted by the Union to Supreme Court and also the list submitted by ex-sub-Area Manager, Manikpur Colliery vide his letter No. MKP/LED(C)-9842-44 on 19-4-1980 to Labour Enforcement Officer, Bilaspur will be given appointment within a period of one month i.e. before 17th August, 1984". Since the interview of the concerned persons was held on 29th and 30th September, 1984 and the Committee submitted its report on 8-12-1984 (Ex. W/82 and Ex. W/83) I am of the opinion that all the persons as recommended by the Committee are entitled to re-employment from the date of recommendation of the Committee i.e. 8-12-1984 with all benefits accrued to them. Management will pay Rs. 500 as costs to the Union. Reference is answered accordingly.

V. S. YADAV, Presiding Officer
[No. L-22011/5/85-D.V.]

नई दिल्ली, 10 फरवरी, 1988

का. अ. 614 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निम्नलिखित स्टील प्लांट के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 27-1-88 को प्राप्त हुआ था।

New Delhi, the 10th February, 1988

S.O. 614.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employer in relation to the management of Bhilai Steel Plant and their workmen, which was received by the Central Government on 27th January, 1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/CL(R)(150) of 1987

PARTIES :

Employers in relation to the management of Bhilai Steel Plant, Bhilai, District Durg (M.P.) and their work-

men represented through the Chattisgarh Khadan Mazdoor Sahakari Samity Ltd. P.O. Dallirajhara, District Durg (M.P.) and Chattisgarh Ispat Shramik Union C/o Chattisgarh Khadan Mazdoor Sahakari Samiti, P.O. Dallirajhara, Distt. Durg (M.P.)

APPEARANCES :

For Workmen—Shri Udairam, President.

For Management—Shri D. C. Henri, Ass't. Chief Law Officer.

INDUSTRY : Iron Ore Mines DISTRICT : Durg (M.P.)

AWARD

Dated, January 18, 1988

By Notification No. L-26011/33/85-D.III (B) dated 18th August, 1987 the Central Government in the Ministry of Labour exercising its power under Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of Bhilai Steel Plant in not allowing the Chattisgarh Khadan Mazdoor Sahakari Samity to reinstate the workers (Names given in Annexure I) is justified? If not, to what relief the concerned workmen are entitled?"

ANNEXURE I

LIST OF THE WORKMEN

Name of the workmen	Date of Termination
A. 1. Sh. Gavaram S/o Mulchand 2. Sh. Kantilal S/o Panchram Singh 3. Sh. Asharam S/o Sobhitram	07-06-1983
B. 1. Sh. Gajelal S/o Santram 2. Smt. Kalo Bai W/o Gajelal 3. Smt. Ram Kunwar Bai W/o Santram 4. Sh. Jagannath S/o Ramtok 5. Smt. Khorbaharin Bai W/o Jagannath 6. Sh. Gwal Singh S/o Durbhuram 7. Smt. Kalin Bai W/o Gwal Singh 8. Sh. Hari Ram S/o Lakhanlal 9. Smt. Mangtin Bai W/o Hari Ram 10. Smt. Hathyarin Bai W/o Bisuram 11. Sh. Bisuram S/o Bharan Singh 12. Smt. Gayatri Bai W/o Kantilal	

Statement of claim on behalf of the Chattisgarh Ispat Shramik Union, Dalli Rajhara has been filed. The other parties were given time to file their statements of claim. But today a petition incorporating the terms of settlement duly signed by the President, Chattisgarh Khadan Mazdoor Sahakari Samiti Ltd. Shri Udai Ram, and the Secretary Chattisgarh Ispat Shramik Union, Dallirajhara Shri Bissuram and Shri D. C. Henri, Ass't. Chief Law Officer, BSP has been filed. The terms of settlement are as under :—

TERMS OF SETTLEMENT

1. That the workman listed in Annexure-I and grouped as A and B numbering 15 shall be reinstated by the party No. 2 namely Chattisgarh Khadan Mazdoor Sahakari Samiti Ltd. within 15 days from the date of order/Award of the Hon'ble Industrial Tribunal.
2. That, on being reinstated in service the party No. 3, viz Bhilai Steel Plant shall permit the aforesaid workmen to enter the mines premises for execution of their assigned duties and their names shall also be recorded in form 'B' register as required under the Mines Act.
3. That, the period from the date of termination of services till the date of their reinstatement shall be treated as dies-non but the workmen shall be allowed continuity of service without wages.

2. I have gone through the above terms of settlement mutually agreed between the parties and I am of the opinion that the terms are fair, just and reasonable and in the interest of the workmen concerned. I therefore record my award in terms of the settlement. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-26011/33/85-D.III (B)]

का. मा. 615.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गैरसे भारात गोल्ड माईन्स लि. के प्रबंधन में सम्बद्ध विरोधों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पचापट को प्रकाशित करता है जो केन्द्रीय सरकार को 25-1-88 को प्राप्त हुआ था।

S.O. 615—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Bharat Gold Mines Ltd. and their workmen, which was received by the Central Government on the 25th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT BANGALORE
Dated, 12th Day of January, 1988

Shri B. N. Lalge, B.A. (Hons.) LL.B, Presiding Officer
Central Reference No. 87/87

FIRST PARTY :

K. Byrappa, President, Bharath-Gold Mines Limited,
Labour Association, No. 42, North Town Block,
Oorgaum, K.G. F-563120.

Since deceased, by this legal Representatives.

1. Smt. Thimmakka,
w/o Late Byrappa,
2. Narayana Swamy,
s/o, Late Byrappa,
aged about 17 years.
3. Margamma,
d/o. Late Byrappa,
aged about 15 years.
4. Anasuyamma,
d/o. Late Byrappa,
aged about 13 years.
5. Shyamalamma,
d/o. Late Byrappa,
aged about 11 years.
6. Murali Prasad,
s/o. Late Byrappa,
aged about 9 years.
7. Arunkumar,
s/o. Late Byrappa,
aged about 7 years.
8. Ramaiah,
s/o. Late Byrappa,
aged about 4 years.
9. Laxmaiah,
s/o. Late Byrappa,
aged about 2 years.

V/S

SECOND PARTY :

Chairman-cum-Managing Director, B.G.M.L., Suvarna
Bhavan, Oorgaum, K.G.F.

APPEARANCES :

For the first party—Sri V. Gopala Gowda, Advocate.
For the second party—Sri K. J. Shetty, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India/Ministry of Labour made the present reference on the following point of dispute by its Order No. L-43012/22/85-D.III (B) dated 20-4-1987.

POINT OF DISPUTE

"Whether the termination of Shri K. Byrappa T. No. 560 Ex-Tramner Nundydroog mines by the management of M/s. Bharath Gold Mines Limited, amounted to retrenchment under section 25 F of Industrial Dispute Act 1947 in the absence of any speaking order of termination is legal, proper and justified? If not to what relief is the workman entitled?"

2. After receipt of the reference, notices were issued the parties. It was found that the first party workman Sri K. Byrappa had passed away. Notices were issued to his legal representatives. The wife and 8 children of Byrappa have been brought on record as legal representatives of the workman.

3. They have filed the claim statement and in brief it reads as follows :—

He was employed by the second party. He worked for 5 years. He served BGML for three years as Trackman. Thereafter he was sent to Rajasthan Mines. Due to climate conditions of Rajasthan he became sick and his condition was very serious. He was sent back and was admitted to BGML hospital. He took treatment for three months, but his condition did not improve. The second party permitted him to take treatment by a private Doctor. He took treatment in the general hospital KGF. He became healthy and fit to resume duties. He produced fitness certificate and met the chairman-cum-managing director to give him work. His request was refused. After some days he was again hospitalised and he died on 3-3-1985. He had become sick because he worked in Rajasthan. The termination of his services amounts to retrenchment, and he has been retrenched without complying with section 25-F of the Industrial Disputes Act. His wife and children are his legal representatives. An award may be passed that termination of his services was illegal, and to award all the benefits.

4. The management has filed its counter statement and its contentions in brief are as follows :—

He was employed on 3-7-1980 as a general labourer. He was declared as medically unfit on 27-8-1984. It is not correct that he became ill because of his posting to outside project. He was having some serious problem. He was sent to NIMHANS for treatment from 20-4-1984 to 25-4-1984. It was diagnosed that he had a (D-3 T.B. of the spine). He was advised rest for three months with prescription of further examination by the BGML medical authorities. The same was confirmed. As advised by nimhans, he was continued for three months and again investigated, but the result was the same. There was no possibility of attaining the medical standard fixed for underground work. He was subjected to medical board examination on 27-7-1984, and he was found unfit. It is not correct that he was advised to have a treatment by a private Doctor. It is not correct that after some treatment he had met Chairman-cum-Managing Director with a fitness certificate. Since he was found medically unfit, he was discharged on 27-7-1984. He had refused to receive the notice of discharge and therefore a copy of the same was displayed on the notice board. While discharging, one month's salary was tendered, but the deceased refused to receive the same. It is learnt that because of serious ill health, he died

on 3-3-1985. One months salary has been subsequently received by his dependents. He was never posted to Rajasthan, and he did not die on account of any occupational disease. Termination of his services does not amount to retrenchment. The reference may be rejected.

5. For the second party management three witnesses have been examined and Exs. M-1 to M-6 have been got marked.

6 For the first party his wife Thimmakka has been examined.

7 The parties have been heard.

8. The point of reference is whether the termination of the service of Sri K. Byrappa amounts to retrenchment under section 25-F of the Industrial Disputes Act.

9. As per section 2(oo) of the Industrial Disputes Act, retrenchment means the termination of service of a workman for any reason, whatsoever, other than as a punishment by a way of disciplinary action. Clause (c) shows that termination of the service of a workman on the ground of continued ill health, does not amount to retrenchment. It is the case of the second party that he was found medically unfit, on account of his continuous illness and therefore his services were terminated.

10. MW-1, Dr. Manohar is the senior specialist of the BGML hospital. He has given evidence with reference to his medical record Ex. M-1. Ex. M-1 shows the history, physical fitness and treatment. On 30-4-1984 the Doctors found that his gait was unsteady and that he had gone to NIMHANS, Bangalore on his own on 20-4-1984 and that there was destruction of D-3 spine as could be seen from the X-ray. From 30-4-1984 he has been treated. Ex. M-1 from pages 1 to 16 substantiates the evidence of MW-1. Ex. M-2 is the record of the nimhans produced by him. It shows that there was numbness and pain in both the lower limbs since four months and there was the background of fever of six months. The evidence of MW-1 further shows that his case was referred to medical board on 26-7-1984 and that he was found to be medically unfit. He further states that on humanitarian grounds his treatment was continued. He has specifically stated that it was not an occupational disease. The learned counsel for the first party contended that MW-1 admits that with better treatment his disease could have been cured and therefore it amounted to retrenchment. In para 17 of his evidence MW-1 has made it clear that because he had come from Nimhans they did not find it necessary to refer him to any T.B. Centre. In para 18 he makes it further clear that for three months since the date of admission he was treated and it was beyond 27-7-1984. The question involved is not whether he would have survived for some more time but whether there was continued ill health in his part and whether the management was justified in terminating his services. The documents at Exs. M-2 (a), M-3 and M-3 (b) (i), M-4, M-5 and M-6 disclose that his services were terminated on the ground of continued ill-health.

11. MW-2 Sri Lakshminanth was the Deputy Chief Medical Officer and he was also a member of the medical board. He has testified to the proceedings of the board Ex. M-3. As per his evidence the case of the workman was referred to the medical board on 26-7-1984 and he was actually examined on 27-7-1984. His evidence discloses that the workman was suffering from T.B. of the spine and was found unfit to do his job underground. In para 11 he has specifically stated that even if the disease had been cured it was not permissible for him to work underground, and with the best of treatment chance of recovery was 50%. Ex. M-4 is the summary of the whole case and Ex. M-5 is the order issued, to him. The management has produced X-rays of the workman taken on 28-4-84, 23-6-84 and 23-7-84, and 27-7-84. MW-2 has denied the suggestion that on 27-7-1984 the medical board did not examine him. He has denied the suggestion that best treatment was not given to him or that with the best treatment he would have survived. I do not find anything in the evidence of MW-2 which helps the workman in showing that there was no continuous ill health on his part.

12. The evidence of MW-3 is on the point that the workman was employed as an underground labourer and his

services were terminated on 28-7-1984 on medical grounds. He has denied the suggestion that he had been deputed to project work to Rajasthan. It is further to be found in his evidence that he was given treatment in the BGML hospital but with no avail. He has denied the suggestion that one and half months after he came from the BGML hospital, the workman had seen the chairman-cum-Managing Director with a fitness certificate, but he refused to give him work. The evidence of MW-3 further shows that Ex. M-6 was displayed on the notice board. On the backside of M-6 the concerned clerk has endorsed that the workman had refused to receive the letter of unfitness on 29-8-1984.

13. The evidence of MW-1 Thimmakka is on the point that because her husband had been sent to Rajasthan, he had become sick and after he returned he worked for four years. The evidence of MW-1 and MW-2 deserves to be preferred to that of MW-1 and it shows that he had not caught any occupational disease. MW-1 admits that he had worked for four years. Hence, it cannot be said that he had caught occupational disease when he was in Rajasthan. MW-1 states that her husband had become quite alright when he was treated at Bangalore and that his such treatment was after he came out of the BGML hospital. She has further stated that after his treatment in the BGML hospital, he had been treated at General Hospital KGF. No document has been produced and no medical officer has been examined to support the case that he was subsequently treated at the hospitals of KGF or Bangalore. In the claim statement it has been stated that he was treated by a some private doctor, but no such doctor has been examined. If he had obtained any fitness certificate, such a certificate should have been produced. The case of the first party that after he was discharged from the BGML hospital he had been cured and he had become fit for work has not been proved. Secondly, whether he had been cured and become fit is not at all a pertinent question. The point at issue is whether he was suffering from continuous ill-health and whether the management was justified in terminating his services on that ground on 28-7-1984. On that point there is convincing evidence of MW-1 and MW-2 and the documents at Exs. M-1 to M-6.

14. The management has proved that the workman had refused to receive the order of termination of his services Ex. M-6 and that the management had displayed the same on the notice board. The contention of the first party that his services were terminated without any speaking order and that it is illegal or improper cannot be accepted in the context of the evidence of MW-3.

15 The evidence on record proves that the termination of the services of K. Byrappa did not amount to retrenchment within the meaning of section 2(oo) of the Industrial Disputes Act and that it was on the ground of continued ill health and that the provisions of section 25F of the Industrial Disputes Act were not attracted.

16 In the result, an award is hereby passed that the termination of services of K. Byrappa token No. 560 by the BGML did not amount to retrenchment under section 25F of the Industrial Dispute Act and that his legal representatives are not entitled to claim any relief.

(Dictated to the Secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer

[No. L-43012/22/85-D.III(B)]

नई दिल्ली, 12 फरवरी, 1988

का. आ. 616:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तेल और प्राकृतिक गैस आयोग बम्बई अपतट परियोजना बम्बई के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अन्तर्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-2-88 को प्राप्त हुआ था।

New Delhi, the 12th February, 1988

S.O. 616.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ONGC, Bombay Offshore Project, Bombay and their workmen, which was received by the Central Government on 2-2-1988.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 1, BOMBAY

Reference No. CGIT-55 of 1987

PRESENT:

Mr. Justice M. S. Jamdar, Presiding Officer.

PARTIES:

Employers in relation to the management of Oil and Natural Gas Commission, Bombay Offshore Project, Bombay;

AND

Their workmen.

APPEARANCES:

For the Management: Mr. Naik, representative.

For the Workmen: Mr. Rajan Nair, President of the ONGC (BOP) Karamachari Sanghatana.

INDUSTRY: Oil & Natural Gas. STATE: Maharashtra, Bombay, the 11th day of January, 1988

AWARD

The Central Government in exercise of the powers conferred on it by S. 10(1)(d) read with S. 10(2A) of the Industrial Disputes Act, has referred the following dispute to this Tribunal for adjudication on 30-10-1987:—

"Whether the action of the management of ONGC in relation to its Bombay Offshore Project of Bombay Regional Business Centre, Bombay in not promoting the rigmen as topmen from the date from which they are physically working as topmen is justified? If not, what relief the workmen concerned are entitled to?"

2. It appears that before the date of reference the dispute was discussed before the Regional Labour Commissioner and was amicably resolved. Hence on the date of hearing, i.e. 11th January, 1988, both parties filed a joint statement incorporating the terms of settlement and praying for award in terms of the settlement.

3. The settlement entered into by the parties is in the following terms:—

"(a) the six posts of Topman will be filled in from 15-11-1986;

(b) the remaining vacancies of Topman shall also be filled in with immediate effect after the Selection Board proceedings are finalised;

(c) some of the applicants, who had not appeared for interview, shall, as a special case, be given one more chance to appear for interview within 2 months and if found suitable will be selected for the post of Topman. Suitable number of posts will be kept vacant for them while complying with Clause (b) above;

(d) while making appointments for filling up the above posts at Clauses (a) and (b) above, seniority will be given due consideration subject to rejection of unfit;

(e) on request from representatives of Sanghatana, the employer's representative stated that suitable age relaxation to departmental Roustabouts for appointment as Rigman will be considered; and

(f) 11 Rigmen in the seniority list, who are being considered for appointment as topman, will be paid, on appointment as Topman, suitable amounts as meritorious award to be announced on 26-1-1988 (being Republic Day)."

4. I find the settlement fair and proper and in the interests of the workman, and therefore accept the same for being awarded.

5. Award in terms of the settlement.

M. S. JAMDAR, Presiding Officer

[No. L-30011/22/87-D III(B)]

का. आ. 617:—औद्योगिक विवाद: अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बिसरामपुर खान समूह इन्क्यू. सी. एल डाकघर बिसरामपुर कोलियरी जिला सर्गुजा (म.प्र.) के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

S.O. 617.—In pursuance of the section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bistrampur Group of Mines of W.C. Ltd., P.O. Bistrampur Colliery, Distt. Surguja M.P. and their workmen, which was received by the Central Government on the 8th February, 1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT JABALPUR (M.P.)

Case No. CGIT/LC(R)(49)/1987

PARTIES:

Employers in relation to the management of Bistrampur Group of Mines of Western Coalfields Limited, P.O. Bistrampur Colliery, Distt. Surguja (M.P.), and their workman Shri Jainul Abodin, General Mazdoor through the Secretary Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), P.O. Bistrampur Colliery, Distt. Surguja (M.P.).

APPEARANCES:

For Workmen—Shri J. P. Singh, General Secretary, R.K.K.M. Sangh.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY: Coal. DISTT. SURGUJA (M.P.).

Dated: January 27 1988

AWARD

The Central Government has referred the following dispute for adjudication, exercising powers conferred under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947, vide Notification No. L-22012(9)/86-D V., dated the 8th April, 1987:—

SCHEDULE

"Whether the termination/dismissal of Shri Jainul Abedin S/o Noor Mohd., General Mazdoor (I of

Colliery from 9-3-1985 by the Colliery Manager, Kunda Colliery of Bistrampur Group of Mines of WCL, Post Bistrampur Colliery, Distt. Surguja vide his letter No. BJ/KI/13/85/2674, dated 9-3-85 is justified ? If not, to what relief the workman is entitled for ?”

2. On receipt of the order of reference, the parties were noticed to file their statements of claim but instead of filing the statement of claim, the Counsel for the management filed a copy of Memorandum of Settlement on 2-7-1987. The case was then fixed for verification of the settlement and ultimately on 15-12-1987 parties filed original settlement duly signed by workman himself and representatives of both the parties. The settlement was also verified by the Counsel for the Management and representative of the workman, the terms of which are as under :—

Terms of Settlement

- (i) Agreed that Shri Jainul Abedin be reinstated as Cat. I General Mazdoor and posted at Bhatgaon Colliery.
- (ii) Agreed that the period of absence from work will be treated as 'no work-no pay' but continuity of service will be maintained for the purpose of payment of gratuity only.
- (iii) This being the full and final settlement of the dispute.
- (iv) Agreed further that Sri Jainul Abedin or his authorised representatives will not claim wages or whatsoever monetary benefits for the period of termination, accept agreed upon.

3. I have gone through the terms of the settlement and I am of the opinion that they are just, fair, mutual and in the interest of the concerned workman. I, therefore, accept the same and pass my award in terms of the above settlement.

4. The parties will bear their own costs.

V. S. YADAV, Presiding Officer

[No. L-22012/9/86-D.V]

नई दिल्ली, 15 फरवरी, 1988

का. अा 618—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पैर्स बैस्टर्ग कोल फील्ड्स लिमिटेड, डाकघर धरम, जिला चन्द्रपुर (झारखण्ड राज्य) के मन्त्र एमिडा संख्या-2, धरम कोलियरीज के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट कोषाश्रित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था ।

New Delhi, the 15th February, 1988

S.O. 618.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sub Area No. II, Ghugus Collieries M/s. WCL, P.O. Ghugus, Distt. Chandrapur (M.S.) and their workmen which was received by the Central Government on 8-2-1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CCIT/JC(R/82)1987

PARTIES :

Employers in relation to the management of Ghugus Colliery of W.C.L., P.O. Ghugus, Distt. Chandrapur

(MS) and their workman Shri Mukhtyar Ahmed, Ghugus Colliery No. 2, P.O. Ghugus, Distt. Chandrapur (M.S.).

APPEARANCES :

For Workman—None.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal

DISTT. Chandrapur (M.S.)

AWARD

Dated, January, 27, 1988

Exercising powers under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute for adjudication to this Tribunal, vide Notification No. L-21012/28/86-D. III(B), dated the 27th May, 1987:—

SCHEDULE

“Whether the management of Messers Waste n Coalfields Limited in Sub Area No. II, Ghugus Colliery, P.O. Ghugus, Distt. Chandrapur (MS) is justified in terminating the services of the workman Shri Mukhtyar Ahmed with effect from 11-12-1983 ? If not, what relief the workman concerned is entitled to ?”

2. On receipt of the order of reference, parties were noticed to file their statement of claims but the workman never appeared before the Tribunal and the management, instead of filing the statement of claim, filed a copy of settlement on 18-11-1987. The management was directed to file the original settlement and on 10-12-1987 the management filed the original settlement duly signed by the parties and the Counsel for the Management also verified it. The relevant terms of settlement are as under :—

Terms of Settlement

- (i) Shri Mukhtyar Ahmad will be reinstated in the same post as held by him at the time of termination.
- (ii) The period of absence from the date of his termination to the date of joining will be treated as dies-non i.e. “NO WORK NO PAY”.
- (iii) The workman will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of his termination to the date of his re-instatement joining his duties.
- (iv) On reinstatement Shri Mukhtyar Ahmad will be kept on probation for a period of one year during which his attendance performance and conduct will be closely watched. An assurance of good performance, conduct and punctuality will be furnished by the workman before joining the duties. If performance, conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory, the Management may consider to grant him a continuance of service for the limited purpose of payment of Gratuity.
- (v) The posting of Shri Mukhtyar Ahmad shall be decided by the Management.
- (vi) The workman will be allowed to join duty within the period of one month of signing the Memorandum of Settlement.
- (vii) Both the party agreed to settle the dispute on the above terms and conditions and the Memorandum of Settlement will be submitted to the Ministry for closing the case once for all.

3. I have perused the terms of settlement and I am satisfied that the settlement is mutual, lawful and in the interest of

workman. I, therefore, accept the same and pass the Award in terms of the above settlement.

I make no order as to costs.

Sd/-

V. S. YADAV, Presiding Officer

[No. L-21012/28/86-D.III(B)]

का० आ० 619:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स लार्सेन एण्ड टुब्रो लि०, चन्द्रपुर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

S.O.619.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Nagpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Larsen & Toubro Ltd. Chandrapur and the workmen which was received by the Central Government on 8-2-1988.

ANNEXURE

BEFORE SHRI R. V. AMRUTWAR, B. A. LL., B. INDUSTRIAL TRIBUNAL AT NAGPUR

Reference (C.G.T.) No. 5 of 1986

BETWEEN

ADJUDICATION BETWEEN :

Management of Awarpur Cement Workers of M/s. Larsen & Toubro Ltd., Chandrapur; ...PARTY No. 1.

AND

Their Workmen. ...PARTY No. 2.

In the matter of reference under section 10(1)(d) read with section 12(5) of the Industrial Disputes Act, 1947.

APPEARANCES :

Shri R. Nair, Adv.,—for party No. 1

Shri B. M. Khan, Adv.,—for Party No. 2.

AWARD

This is a reference made by the Central Government by its order dated 3-1-1986 for the adjudication of the demands as set out in the schedule. This demand pertains to the payment of bonus at the rate of 20 per cent under the Payment of Bonus Act, 1965 and 15 per cent ex-gratia payment for the accounting year 1983-84.

2. It is pertinent to note that in this case matter has been amicably settled between the parties. They have also file the terms of the settlement which is marked at Annexure-A with the pursis. I have gone through the Annexure-A and I find that the settlement is fair and reasonable and there is no hitch in disposing of this reference in view of the settlement arrived at between the parties. Hence, the following Award :

AWARD

The reference is disposed off in view of the settlement arrived at as per the terms of Annexure A. The Annexure-A is to form part of the Award. Award be submitted to the Government for publication in the Official Gazette. No order as to costs.

Nagpur :

Dated : 25th January, 1988

For Secretary,

Sd/-

illegible

For Secretary,

R. V. AMRUTWAR, Presiding Officer

[No. L-26011/30/85-D. III(B)]

Salary (Basic)+D.A.) as on 1-4-1984	Ex-gratia Amounts for	
	1984-85	1985-86
	Rs.	Rs.
(a) Less than Rs. 800	1400	1400
(b) Rs. 800 to Rs. 999	1800	1800
(c) Rs. 1000 to 1099	2000	2000
(d) Rs. 1100 to Rs. 1199	2100	2100
(d) Rs. 1200 to Rs. 1299	2300	2200
(f) Rs. 1300 and above	2300	2300

ANNEXURE-A

The Management considered the demands of the Union for Ex-gratia for the financial years 1983-84, 1984-85 and 1985-86. With a view to reaching an amicable settlement and as a gesture of goodwill, the Management agrees to make ex-gratia and additional lumpsum Payments as detailed hereunder :—

In view of this Settlement, the dispute covered by Ref. No. R/5186 of 1986 pending before the Industrial Tribunal at Nagpur is also settled and parties to the said Reference agree to the joint pursis and/or appropriate application before the Industrial Tribunal to the effect with a prayer for disposal of the said Reference as fully settled.

The Union/Workmen and the Management also agree to withdraw all cases/complaints filed by them before the Labour Court/Industrial Court, Nagpur against the Management/Loading Contractors and Union/Workmen pending as on the date of the settlement.

For L&T Cement Kamgar Sangh

Sd/-

For Iarsen & Toubro Limited.,
Awarpur Cement Works.

नई दिल्ली, 17 फरवरी, 1988

का. आ. 620—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स चन्दन क्वारी वर्क्स कोहर और 8 अन्य के प्रबंधतंत्रों से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

New Delhi, the 17th February, 1988

S.O. 620.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the managements

of M/s. Chandan Quarry Works, Kaher and 8 others and their workmen, which was received by the Central Government on the 8th February, 1988.

ANNEXURE

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 32 of 1984

ADJUDICATION

BETWEEN

1. Shri Rameshbhai Dayalji Patel, Proprietor, M/s. Chandan Quarry Works, Kaher.
2. K. V. Patel Quarry Works, Bandhthal, PO Chikhli, Dist. Valsad.
3. Tulsi Quarry Works, Bet Moti Raval, PO Indravaram, Tal. Mandod, Dist. Bharuch.
4. Vishnu Quarry Metal Works, At & PO Degam, Tal. Chikhli.
5. Shri Jivrambhai Tulsibhai Proprietor, Dinesh Quarry Works, At & PO Valod, Dist. Surat.
6. Rameshbhai Narsingbhai Patel Quarry, At & PO Sikor, Taluka Valod, Dist. Surat.
7. M/s. Hari Om Quarry Works, at Rethavania, PO Rankuva Tal. Chikhli, Dist. Valsad.
8. M/s. Ganesh Quarry Works, C/o Mathurbhai C. Patel, Rajpipla, Via. Ankleshwar, Dist. Bharuch.
9. Honest Quarry Works, At & PO Ravhavana, Tal. Chikhli Dist. Valsad.

AND

The workmen employed under them.

In the matter of dearness allowance, bonus, special allowance, permanency, retaining allowance and gratuity etc.

AWARD

This industrial dispute between Shri Rameshbhai Dayalji Patel, Proprietor M/s. Chandan Quarry Works, Kaher and eight others mentioned above and the workmen employed under them has been referred to me for adjudication under Section 10 (1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour and Rehabilitations Order No. L-29011/7/84-D. III(B) dated 16th June, 1984.

2. The dispute relates to in all five demands regarding dearness allowance, bonus, permanency, retaining allowance, gratuity etc.

3. It appears that soon after the reference was received usual notices were issued to the Akhil Gujarat Kamdar Association, Surat (hereinafter referred to as 'the Union') and Shri Rameshbhai Dayalji Patel as proprietor of M/s. Chandan Quarry Works Kaher and eight other as mentioned in the hearing of this reference for filing their statement of claim and written statements respectively. However, the Rojnama shows that although the matter used to be adjourned from time to time in order to give sufficient opportunity to the Union to have its say in the matter, the Union has never cared to remain present or even to file the statement of claim in support of its demand. It is clear from the record that this matter is pending from June, 1984 and more than three years have elapsed during which notice, used to be issued to the Union. No useful purpose would be served by keeping this matter pending any further inasmuch as it is very clear that the Union is not

interested in its demands. The demands are, therefore, rejected for want of prosecution and the reference is dismissed. No order as to costs.

Ahmedabad.

Date : 22nd December, 1987.

G. S. BAROT, Presiding Officer
[No. L-29011/7/84 D III(A)]

नई दिल्ली, 19 फरवरी, 1988

का.आ. 621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कारपोरेडम यूनिवर्सल लि. ओखला के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

New Delhi, the 19th February, 1988

S.O. 621.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management, of M/s. Carborandum Universal Ltd., Okhla and their workmen, which was received by the Central Government on 8-2-1988.

ANNEXURE

BEFORE SHRI N. A. CHAUHAN, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, (CENTRAL), AHMEDABAD
Reference (ITC) No. 3 of 1987

ADJUDICATION

BETWEEN

M/s. Carborandum Universal Limited Okhla,

—First Party.

AND

The workmen employed under it.—Second Party.

In the matter of termination of service of Smt. Gomitiben Nadha with effect from 25-9-1985.

APPEARANCES :

Shri M. J. Sheth, Advocate—for the First Party.

Nobody—for the Second Party.

AWARD

This industrial dispute between M/s. Carborandum Universal Limited, Okhla and the workmen employed under it has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour's Order No. L-29012/17/86-D. III(B) dated 31st December, 1985.

2. The dispute relates to a single demand of the workmen which is as under :—

"Whether the action of the management of M/s. Carborandum Universal Ltd. Okhla/Bhatia in terminating the employment of Smt. Gomitiben Nadha with effect from 25-9-1985 is justified? If not, to what relief the workman is entitled."

3. In support of its demand Gujarat Rajya Khan Mazdoor Sangh has filed its statement of claim Ex. 3 wherein it is alleged that Smt. Gomitiben Nadha was working as Quarry Labourer in the Company for the last one and half year and her services have been terminated by the Company on 27-4-1985 without giving any notice or undergoing any legal formalities and thereby it has committed breach of Section 25 F, B and H of the Industrial Disputes Act, 1947.

It is prayed that the workman concerned may be reinstated in service with full backwages.

4. The Company has filed its written statement vide Ex. 5 wherein it has denied that Smt. Gomtiben Lodha was ever their workman. However, later by an additional written statement the Company submitted that on scrutiny of the order of reference it was found that the reference was in respect of termination of employment of Smt. Gomtiben Madha and not Smt. Gomtiben Lodha. It is stated that one Smt. Gomtiben Madha had joined as a casual workman on 16-12-1984 and had worked upto 25-4-1985 and during the aforesaid period she had worked for 77 days and she stopped reporting for duties after 25-4-1985. It is stated that the Company has not terminated her services as alleged by the Union. It has also denied the various contentions taken in the statement of claim.

5. After the respective statements of the parties, the matter was fixed for evidence on 15-10-1987. Shri N. J. Sheth, the learned Advocate for the Company was present on that date but nobody appeared on behalf of the Union. Thereafter the matter was again fixed on 17-11-1987 and 4-12-1987. But the Union did not appear through any person or send any intimation. Ultimately a registered notice was sent to the Secretary, Gujarat State Mines Workers Union on 11-12-87 informing him that the matter was fixed for hearing on 16-12-1987 at 11.00 A.M. and if the Union will not appear, the case will be disposed of ex-parte. Ex. 8 acknowledgement slip shows that this notice was received by the Union. However, nobody appeared on behalf of the Union nor did they send any intimation. I, therefore, decide this matter ex-parte. Shri M. V. Sheth, the learned Advocate for the Company is present. The allegations made in the statement of claim have been denied by the Company in its written statement and the Union having failed to support its demand by any written or oral evidence, I reject the demand for want of prosecution and dismiss the reference. No order as to costs.

Ahmedabad.

Date.—23-12-1987.

N. A. CHAUHAN, Presiding Officer

[No. L-29012/17/86-D. III(B)]

कॉ.आ. 622 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न कोलफील्ड्स लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

S.O. 622.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd. and their workman, which was received by the Central Government on 8-2-1988.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/IC(R)(100) of 1986

PARTIES :

Employers in relation to the management of N.C.P.H. Colliery of Western Coalfields Ltd., P.O. Haldibadi, District Surguja (M.P.) and their workman, Shri

Harambo Prasad, represented through the M. P. Colliery Workers Federation, P. O. Haldibadi, District Surguja (M.P.).

APPEARANCES :

For Union.—Shri R. K. Gupta, Advocate, and B. P. Dube, Joint General Secretary of the Federation.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining. DISTRICT : Surguja (M.P.).

AWARD

Dated, 27th January, 1988

The Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication, vide Notification No. L-222212(18)/85-D.V. dated 13th November, 1985 :—

"Whether the action of the management of NCPH Colliery in dismissing Shri Harambo Prasad, Underground Munshi of NCPH Colliery with effect from 28-6-1984 without proper enquiry by the management of NCPH Colliery, P.O. Haldibadi, District Surguja is justified? If not, to what relief the workman is entitled for?"

2. Non-controversial facts of the case are that the workman concerned, Shri Harambo Prasad was working as Underground Munshi in the N.C.P.H. Colliery of M/s. Western Coalfields Ltd., Because of some alleged incident the workman was issued charge-sheet on 19-11-1983 to which the workman replied and the reply being found unsatisfactory Shri J. P. Singh, Dy. Colliery Manager was appointed as Enquiry Officer to enquire the charges levelled against Shri Harambo Prasad. The Enquiry Officer submitted his report to the Dy. Chief Mining Engineer who on the basis of the findings of the Enquiry Officer terminated the services of Shri Harambo Prasad vide order dated 28-6-1984. The M. P. Colliery Workers Federation raised an industrial dispute before the Conciliation Authority and on failure of conciliation the above matter has been referred to this Tribunal, for adjudication.

3. The case of the management further is that on 19-11-83 Shri Harambo Prasad came to the Personnel Department in a very aggressive mood and stated that he wanted to know and see as to how the management is going to stop the contract work of Shri Rajesh Kumar. On the same day the workman had assaulted and abused Shri A. Denial, Welfare Officer of the Colliery in the office and also threatened him and stated that who-soever will stop the contract of Shri Rajesh Kumar his hands and legs will be cut off. Prior to this incident the workman was issued with number of charge-sheets and warning letter for other incident. The workman was therefore issued a charge-sheet under Cl. 17(i)(c) & 17(i)(f) of S. Orders on 19-11-83 as under :—

"On 19-11-1983 at about 8.45 A.M. Shri Harambo Prasad U/O Munshi went to L.W.O. office of N.C.P.H. Colliery. He abused and manhandled Shri A. Denial, W.O. in his office over the issue of domestic coal supply, with the intervention of Shri Rakhori, Shri Jayant and Shri D. B. Janodhkar Sr. P. O. both of them were separated."

4. The workman had challenged the enquiry. It has been further contended that the Dy. Chief Mining Engineer is not a competent person to accept the findings of the Enquiry Officer and then to pass an dismissal order by himself.

5. I framed the following issues which with my reasons and findings are as under :—

ISSUES

1. Whether the enquiry is proper and legal?
2. If not, whether the termination of the workman is justified on facts of the case?

3. Whether the punishment awarded is proper and legal ?

4. Relief and costs

FINDINGS :

6. Issue No. 1.—After hearing both the parties I have passed the order on 3rd July, 1986 holding that the enquiry is neither legal nor proper and thereafter the management was given an opportunity to adduce evidence to prove misconduct before this Tribunal.

7. Issue Nos. 2, 3 & 4.—I have heard the parties on these issues. On behalf of the workman firstly it has been contended that from the evidence led by the parties allegation of misconduct is not proved. In order to prove misconduct management has examined Shri D. B. Jalodkar (M.W.1) Personnel Manager, Shri Rakho Hari Ghosh (M.W.2) Clerk, Shri A. Denial (M.W.3) of the Welfare Office, Shri Kamal Kant Chakravarty (M.W.4) Clerk Gr. II and Shri R. C. Ker (M.W.5) Clerk Gr. I. On the other hand, workman concerned, Harambo Prasad gave his own statement as W.W.1 and examined Shri Om Prakash Jain (W.W.2) I have gone through the evidence and I find that the management's witnesses have given contradictory version on various material points. Firstly they differ as to how and when the incident had started and how it ended. There is also material discrepancy as to what was uttered by the workman in his threats. There are also material omissions amounting to contradiction in the statement of witnesses. Shri D. B. Jalodkar a responsible officer of the Bank of Deputy Personnel Manager has admitted that he had read the charge when it was framed. In that charge it was not mentioned that Harambo Prasad caught the Collar of Shri Denial and lifted him from the chair. It was also not mentioned in the charge-sheet that Harambo Prasad said that 'which Sala will stop my coal contact'. These were material allegations and omission to mention this is a serious discrepancy. This witness has also admitted that he did not hear Harambo Prasad abusing in the name of mother etc., but other witnesses have made such an allegation. There is also discrepancy on the point whether the second chair was thrown outside on Shri Denial. Shri Kamal Kant Chakravarty has also stated new fact which no other witness deposed. He has stated that he asked Ram Chandra Peon to bring the Security Guard but before the Security Guard came Harambo Prasad left the office shouting. On the other hand, according to Shri R. C. Ker, Harambo Prasad had only tried to catch hold of the collar but Shri Denial had pushed him away and people present had separated them. Thereafter Harambo Prasad picked up a chair threw it outside and went out of the office. There is also discrepancy in the statement of Shri D. B. Jalodkar recorded before the Enquiry Officer (M/11) about the stage which abuse were given.

8. On the other hand, I find that the workman had taken the plea that Shri Denial in fact misbehaved with him. This plea was taken by the workman on the date of incident i.e. on 19-11-83 in his written complaint Ex. W/3. He has also examined Shri Om Prakash Jain who had written his complaint Ex. W/3.

9. From the perusal of evidence of both the side I am of the opinion that undoubtedly an incident occurred at the relevant time but witnesses of the management who are admittedly for one reason or the other interested witnesses are trying to support the management and delinquent officer and his witness are trying to blame Mr. Denial for the same. Looking to the contradictions on material facts I am of the opinion that the story of scaffolding, filthy abuses does not appear to be true. It appears to be a simple incident of hot exchange of words between both the sides and nothing more. For such minor misconduct the punishment of dismissal awarded to the workman amounts to unfair labour practice and victimisation as has been laid down in the case of Ved Prakash Vs. M/s. Delton Cable India (P) Ltd., (AIR 1984 SC. 914).

10. On behalf of the management, it has been contended

very clean. Therefore looking to his previous conduct the punishment awarded is proper. I am unable to agree. The Enquiry Officer in his report about the previous bad conduct habitual indiscipline has stated as under :—

"It is noted that Shri Harambo Prasad is a habitual indisciplined worker (taking all the facts as truth) hence the charge levelled is proved."

In this connection, it is pertinent to note that Shri Jalodkar (M.W.1) in the last para of his cross-examination has admitted that it is true that on the documents Ex. M-1 to Ex. M/10 no D. E. or punishment was given to Shri Harambo Prasad. If no enquiry was held or punishment was given to the workman on the allegation of his previous bad conduct how that conduct can be treated as proved against the workman as has been stated by the Enquiry Officer in his report. I thus find that the previous bad conduct is not at all proved for want of proper enquiry or proof and therefore the punishment awarded on that basis is definitely excessive. However, I need not go in detail about this allegation because I am of the opinion that the order of dismissal itself cannot be sustained having not been passed by an officer not competent to do so.

11. In this regard I find that enquiry was instituted by the Deputy C.M.E. on 23-11-1983 vide Ex. W/4. The result of domestic enquiry by the Enquiry Officer, Shri J. P. Singh, was also sent to the Deputy C.M.E. vide covering letter dated 25-11-83 (Ex. W/9). The order of dismissal dated 28-6-1984 was also passed by the Deputy C.M.E., N.C.P.H. Colliery.

12. The management has filed Standing Orders applicable to New Chirimiri Ponri Hill Colliery of M/s. Dada-bhai's New Chirimiri Ponri Hill Colliery Company Ltd., Clause 17(ii) of the said Standing Orders lays down "The approval of the owner, agent or the Chief Mining Engineer of the employer or person holding similar position shall be obtained before imposing the punishment of dismissal. A copy of the enquiry proceedings shall be given to the workman concerned on the conclusion of the enquiry, on request by the workman." This clause of the Standing Orders nowhere authorises a Deputy Chief Mining Engineer to pass the order of dismissal. As such the order of dismissal appears to have been passed by a person not competent to do so. Learned Counsel for the management has tried to explain this fact on the ground that last line of the order of dismissal goes to show that this was issued with the approval of the competent authority. I have gone through the record. No such approval has been filed. Even otherwise by reading the order of dismissal it is apparent that it was passed by the Deputy Mining Engineer. In fact he had not submitted this order of dismissal for approval to any higher authority. Covering letter of Ex. W/9 goes to show that the Enquiry Officer had submitted his report to the Deputy Chief Mining Engineer and he did not send it any further but passed the order himself. It is now settled legal position that order of dismissal passed by an officer not competent to do so is a nullity, and it is liable to be set aside. I, therefore, hold that firstly the order of termination was not justified on the facts of the case and the punishment awarded was also not just, proper and legal. Besides this the order of termination was passed by an unauthorised person. Therefore the same cannot be sustained and is hereby set aside.

13. As for the relief I have already discussed the evidence on record and I find that though the order of dismissal is not sustainable on the technical ground yet there was some evidence against the workman regarding his minor misconduct. In the circumstances though he is entitled to be reinstated but without any back wages.

14. I accordingly answer the reference as under :—

That the action of the management of N.C.P.H. Colliery in dismissing Shri Harambo Prasad, Underground Munshi of N.C.P.H. Colliery with effect from 28-6-1984 without proper enquiry by the management of N.C.P.H. Colliery, P. O. Haldibadi, District Surguja is not justified. The workman is therefore entitled to be reinstated with continuity of service but without back wages. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-22012/18/83-D. V]

का. आ. 623 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बाबू भाई बाड़ागामा स्टोन क्वेरी, मुकाम एवं डाकघर जेसोर, स्टोन क्वेरी मालिक के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पटपट को हस्तित करती है, जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

S.O. 62.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Babubhai Vadgama Stone Quarry, At & P.O. Jalore, Stone Quarry Owner and their workmen, which was received by the Central Government on 8th February, 1988.

ANNEXURE

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 24 of 1984

ADJUDICATION

BETWEEN

M/s. Babubhai Vadgama Stone Quarry, Jalore. —First Party.

AND

The workmen employed under it.—Second Party.

In the matter of termination of services of Smt. Narbadaben Chaturbhai Vasawa w.e.f. 6-6-1983.

AWARD

This industrial dispute between Messrs Babubhai Vadgama Stone Quarry, At & P. O. Jalore and the workmen employed under them has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour and Rehabilitation's Order No. L-29012[54/83]D- III(B) dated 12th March, 1984.

3. The dispute relates to a single demand of the workmen which is as under :—

"Whether the action of the Management of Messrs Babubhai Vadgama Stone Quarry, At & P.O. Jalore in terminating the services of Shrimati Narbadaben Chaturbhai Vasawa, Labour, with effect from 6-6-83 is justified? If not, to what relief is the workman concerned entitled?"

4. It appears that soon after the reference was received, usual notices were issued to the Akhil Gujarat Kamdar Association, Surat (hereinafter referred to as 'the Union') and Messrs. Babubhai Vadgama Stone Quarry, Jalore for filing their statement of claim and written statement respectively. However, the Rajnama shows that although the latter used to be adjourned from time to time in order to give sufficient opportunity to the Union to have his say in the matter the Union has never cared to remain present or even to file the statement of claim in support of its demand. It is clear from the record that this matter is pending from March, 1984 and more than three years have elapsed during which notices used to be issued to the Union. No useful purpose would be served by keeping this matter pending any further inasmuch as it is very clear that the Union is not interested in its demand. The

demand is, therefore, rejected for want of prosecution and the reference stands dismissed. No order as to costs.

Ahmedabad,
22-12-1987.

G. S. BAROT, Presiding Officer

[No. L-29012/54/83-D-III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 5 फरवरी, 1988

का. आ. 624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 5th February, 1988

S.O. 624.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 76/85

PARTIES :

Employers in relation to the management of Central Bank of India.

AND

Their workmen : Bikram Rana.

APPEARANCES :

For the workman :

For the management—Shri Yogesh Jain.

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated : 8-1-1988

Central Government vide Notification No. L-12012/251/84-D.II (A) dated 27th May, 1985 issued under Section 10 (1)(i) of the Industrial Disputes Act 1947 referred the following industrial dispute to this Tribunal for decision :

"Whether the action of the management of Central Bank of India in not considering Shri Bikram Rana, Watchman-cum-Peon in their branch in Majitha Mandi, Amritsar as daftry is justified? If not, to what relief is the workman concerned entitled?"

2. The case of the workman is that he joined Central Bank of India on 24-10-1974. That at his request he was transferred to Punjab and posted at Gidarbaha branch as watchman on 6-3-1980. That workman being interested in posting at Amritsar his home town made a request for transfer and also requested that he be designated as watchman-cum-peon. That management vide their letter dated 23-12-1980 posted him permanently at Majitha Mandi and his designation is peon-cum-watchman. That he has performing the duties of peon as well as watchman. That the Central Bank of

India Regional Office Amritsar while designating seniormost citywise peons as daftri ignored the claim of the workman. That peon junior to the workman who joined service after 29-10-1974 has been posted as Daftri. That post of daftri carries special allowance of Rs. 66 p.m. while watchman is paid special allowance of Rs. 33 p.m. Workman alleged that under clause 20.2 of Bipartite Settlement he is entitled to be designated as daftri.

3. The Bank in their reply alleged that there is no industrial dispute between the parties which can be referred for decision and as such the reference is bad. That the Central Government while referring the dispute has not been taken into consideration that workman being a watchman was not entitled to be considered for post of Daftri. On merits it was alleged that workman was admitted as watchman in the year 1974 and was member of watch and ward staff. That as per policy of the Bank member of watch and ward staff are not eligible to be considered for posts carrying special allowance in subordinate cadre like head peon and daftri etc. That watchman or armed guard has to perform such type of duties for which they are paid special allowance over and above the pay. That workmen worked from the date of his joining as watchman at Kolaba Branch Bombay. That at his own request workman was transferred from Bombay to Amritsar Region. That designation of workman was watchman as is evident from Ex. R-1 request made by the workman for his transfer. That workman was transferred at his own request from one branch to another and was debarred for a period of 30 months for promotion to any post carrying special allowance. It was further alleged that under clause 20.1 and 20.2 of Bipartite Settlement the employee with combined designation is entitled to appropriate special allowance if any provided above in the settlement for either of the designation. That workman was designated as watchman-cum-peon. That there was a special allowance for watchman so workman was given the said allowance. That workman could not be considered to the post of Daftri.

4. In support of respective allegation Bank did not produce any evidence. Workman produce his own affidavit. In cross he admitted that he came to Gidarbaha from Bombay on transfer. That he was posted at Bombay as watchman. That he was transferred to Gidarbaha as watchman. That he made request at Gidarbaha for his transfer vide M-1 wherein he has shown his designation as watchman. That normally the peon is made cash peon thereafter Bank Collector and later on as daftri. That he has claiming the post of daftri because juniors to him are working as daftri. That he was made watchman-cum-peon so he claim the post of daftri. He admitted that he has not given the detail when he worked as peon. He also admitted that he was debarred from promotion for 30 months i.e. from 22-6-1983 to 22-12-1985.

5. In the present case first point to be determined is whether reference is bad or not? I am of the view that present reference is not bad. The claim of the workman for promotion is certainly an industrial dispute as it relates to the service conditions of the workman so this Tribunal can certainly decide whether workman is entitled to promotion or not.

6. The case of the workman is that he was not considered for promotion to the post of daftri and this action of the management is void. I am of the view that workman has no right to claim consideration for the post of daftri because he was undergoing debarment from promotion for 30 months w.e.f. 22-6-1983. The said debarment was to expire on 22-12-1985 i.e. about seven months after the date of the present reference. So question of workman being considered does not arise. The fact that workman was undergoing debarment from promotion for 30 months has been admitted by the workman in his cross-examination.

7. It is admitted by the workman that he was getting special allowance for the post of watchman. Workman has admitted that he was appointed as watchman at Bombay. He also admitted that he was transferred as watchman at Gidarbaha Application M-1 dated 23-5-80 was given by workman for transfer. In this he described himself as watchman. In M-2 an application dated 20-9-82 given by workman and M-3 affidavit given by workman he described himself

as Guard. So it will be presumed that workman was working as guard and never worked as watchman-cum-peon. Workman has not detailed the period when he worked as watchman-cum-peon. So it cannot be held that workman worked as watchman-cum-peon. So it is held that workman never worked as peon and was not liable to be considered for promotion as daftri. In a way reference is answered against the workman and returned as such.

Chandigarh.

Dated : 8-1-1988.

[No L-12012/261/84-D.II(A)]

M. K. BANSAL, Presiding Officer

का. मा. 625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, स्टेट बैंक आफ बीकानेर एण्ड जयपुर के प्रबंधन से सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, केन्द्रीय सरकार को प्राप्त हुआ था ।

S.O. 625.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen.

ANNEXURE

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Case No. CIT-21/1984

Ref : Government of India, Ministry of Labour, New Delhi Order No. L-12012/156/83-D.II (A) dated 14-12-83.

In the matter of an Industrial Dispute :

BETWEEN

Shri Kailash Chand Gupta, Rajasthan Bank Employees Union, Jaipur.

AND

The Management of State Bank of Bikaner and Jaipur, SMS Highway, Jaipur.

PRESENT :

Shri J. P. Bansal, RHJS.

For the Union—Shri J. K. Agarwal.

For the Bank—Shri T. N. Tondon.

Date of Award—28 February, 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi vide its above cited Order has referred the following dispute for adjudication U/s 10(1) of the Industrial Disputes Act 1947, hereinafter referred to as the Act :

"Whether the action of the management of State Bank of Bikaner and Jaipur, in relation to their SMS Highway Jaipur Branch in terminating the services of Shri Kailash Chand Gupta, Clerk with effect from 10-7-79 and not reinstating him on regular basis is justified? If not, to what relief is the workman entitled?"

2. It is a case where the matter in dispute, which is very short one, lies buried under a mountain of discursive and rembling pleadings. The matter in dispute is that the employees Shri Kailash Chand Gupta was employed as a Clerk in a temporary capacity by the Jaipur Branch of State Bank of Bikaner and Jaipur, hereinafter referred to as the Bank, on 18-9-72. His first employment was from 18-9-72 to 13-12-72. His second employment on same post was from 2-1-73 to 29-3-73. His last employment was from 16-4-73 to

10-7-73. All these tenures together work out to 260 days. On 10-7-73 his services were terminated without prior notice and without payment of retrenchment compensation.

3. It has been alleged in the statement of claim that the Bank did not comply with the provisions of Section 25-F, Section 25-G and Section 25-H of the Act.

4. In the reply filed on behalf of the Bank it was admitted that the employee was in the employ of the Bank for 260 days as alleged by him. It is also not in dispute that no prior notice or retrenchment compensation was given to the employee. It is, however, denied that the Bank did not comply with the provisions of law. It was alleged that the employee took the competitive test conducted by the bank for the post of clerks. He qualified for the interview but failed in the interview. The bank offered him the post in the temporary capacity but he refused to take it. It was further alleged that the employee has been in service of RSEB since 1973.

5. It is clear from the averments made in the pleadings that the employee remained in the employ of the bank for 260 days until 10-7-73 when his services were terminated without prior notice and without the payment of retrenchment compensation. This is a position which is not in dispute even in the evidence itself. I, therefore, proceed from the stand-point that the employee worked for more than 240 days in the employ of the bank before his services were terminated on 10-7-73. This he did during the preceding 12th months before the date on which the calculation is to be made. The non-compliance of the provisions of section 25-F of the Act renders the order of termination invalid and inoperative.

6. Shri Tondon, learned representative, appearing on behalf of the bank, contends before me that the bank should not be burdened with the financial responsibility on two grounds. First, the bank offered the employee temporary employment as clerk vide letter dated 24-5-81 Ex. M-1, 8-6-81 Ex. M-2 and dated 17-6-81 Ex. M-3, but the employee turned down the offer of the bank for employment. What he contends is that no relief can be given to the employee who himself turned down the offer of employment. This contention, though plausible, has no legs to stand upon. The offer of temporary employment given after a number of years does not render the invalid order of termination anytheles, inoperative. Second, Shri Tondon contends before me that the employee has been in the employ of RSEB since December 1973. Shri D. N. Basu in his affidavit states before me that the employee has been in service of the RSEB since 8-12-73. No cross-examination was levelled on this point. The employee himself in his affidavit states that he has been in the employ of RSEB since 29th December 1973. In this cross-examination he admits that he received the offer of the employment from bank but turned it down. He took up the matter to conciliation on 7-12-81. Shri Tondon contends before me that since the employee is gainfully employed, he cannot be given relief asked for. His contention has not impressed me. What is true of my opinion with regard to his first contention holds good in his second contention also.

7. It is a case where the employee has been in service since 29-12-73. He himself did not take up the employment which was offered to him by the bank. Since the order of termination dated 10-7-73 has been found illegal and inoperative the employee is entitled to get the wages for the period ranging from 11-7-73 to 28-12-73.

8. I make the award in favour of the employee and against the bank to the effect that the employee shall be given full back wages for the period 11-7-73 to 28-1-73.

9. Let the award be sent to the Central Government for publication as per law.

[No. L-12012/261/84-D.II (A)]

J. P. BANSAL, Presiding Officer

नई दिल्ली, 8 फरवरी, 1988

का. आ. 626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 8th February, 1988

S.O. 626.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 80/1985

PARTIES :

Employers in relation to the management of Central Bank of India.

AND

Their workmen : Chattar Singh and Dharam Pal.

APPEARANCES :

For the workmen :

For the management—Shri Yogesh Jain.

INDUSTRY : Banking

STATE : Punjab.

AWARD

Dated, the 13th January, 1988

Central Government vide Gazette Notification No. L-12012/295/84-D.II (A) dated 8th July 1985 issued under Section 10(1)(d) of the Industrial Disputes Act 1947 referred the following industrial dispute of two workmen for decision :

“Whether the action of the management of Central Bank of India in not continuing S/Shri Chattar Singh and Dharam Pal as Cash Peon at Barnala Branch and Bhatinda branch w.e.f. 7-2-1984 and w.e.f. 1-11-1984 respectively is justified? If not, to what relief are the workmen concerned entitled?”

2. Case of Chattar Singh workman is that at his own request he was transferred to Barnala where he joined on 8-8-83. That the post of daftri fell vacant. That A. S. Gill, cash peon was allowed to officiate as daftri. That workman was allowed to officiate as cash peon. That there was another peon on probation working in the branch. That management allowed workman to work as cash peon till 6-2-1984 i.e. the date when new appointee completed his probation. That from 7-2-1984 onward duties of cash peon were assigned to the new probationer. According to the workman this order is bad as under promotion policy agreement clause 12.2, 12.3 read with 11.4 it is workmen who was entitled to work as cash peon.

3. The Bank in its reply to the claim of Chattar Singh alleged that a workman was transferred at his own request at Barnala Branch so he was undergoing debarment for promotion for a period of 30 months. That under promotion policy it is the new appointee who was entitled to work as cash peon. That new appointee having completed his probation on 6-2-1984 was rightfully allowed to work as cash peon. The Bank also raised preliminary objection that

present reference is not tenable because it is an individual case to claim benefits which can be claimed under Section 33-C (2) of I. D. Act.

4. Dharam Pal in his claim alleged that he joined Bhatinda branch on 1-8-83. That his transfer was at his own request. That he was designated as cash peon in the said branch. That one peon was appointed on probation on 25-7-1983. That Bank served a notice on the workman that he can not be designated as cash peon. That the post should go to the man appointed on probation. That the said notice was served on 10-10-1984. That Bank changed their earlier decision and allowed new appointee to work as cash peon from 1-11-1984. So he challenged the above order.

5. The reply of the Bank was same. Bank alleged that workman was transferred to Bhatinda at his own request so he was debarred for a period of 30 months to claim promotion. That the new appointee was senior to the workman at the station being appointed on 25-7-1983. That he was also debarred for 30 months. That under clause 11.4 of promotion policy, he being senior was entitled to work as cash peon.

6. I have heard the parties and gone through the file. In support of their respective allegations both the parties placed documents and their own affidavits. The facts of the case of both the workmen are not in dispute. Bank also raised some legal objections. But I am of the view that workman's right to demand post of cash peon is a right which effect service conditions of the workmen and can come under reference for decision to this Tribunal. So the objection of the bank is disallowed.

7. Before discussing the relevant argument it will be desirable to use clause 12.1, 12.2, 12.3 and 11.4, of the promotion policy which are as under :—

"12.1 Stationwise seniority of members of the subordinate staff shall be the criterion for selection to posts attracting Special Allowance in subordinate cadre, provided the member possess the requisite skill, knowledge and ability.

12.2 For the purpose of entitlement to posts carrying higher Special Allowance, seniority of all eligible members of the subordinate staff, including the existing recipients of Special Allowance, shall be taken into consideration. A member refusing to work in a post attracting special allowance shall not be entitled to any post carrying Special Allowance for a period of 36 months from the date of refusal.

12.3 A member of the subordinate staff who is transferred at his request within or outside the state/Division shall neither be eligible for selection to a post attracting Special Allowance nor for officiating chance for a period of 30 months reckoned from the date of posting at the place of his choice. This clause shall however not be applicable if there is no eligible employee at the Station.

11.4 A clerk who is transferred at his request from one station to another station shall not be eligible for posting to a post attracting Special Allowance for a period of 30 months reckoned from the date of his reporting at the place of his request. Likewise a newly recruited staff shall not be eligible for posting to a post attracting Special Allowance for a period of 30 months reckoned from the date of his recruitment. Such clerks shall however, be posted if there is no other eligible clerk at the particular Station. In the latter case 'interse' seniority amongst a clerk who has been transferred at his request and newly recruited clerk shall be determined on the basis of their seniority in the station."

8. Perusal of the above clauses shows that a person who comes to station on transfer at his own request will be debarred for promotion for 30 months from the date when he joins. This means that Dharam Pal who joined at Bhatinda on 1-8-83 was debarred from promotion for 30 months. Similarly Chatter Singh who joined at his own request on 8-1-1983 at Barnala branch was also debarred from promotion for 30 months. Perusal of the clause 11.4 shows that in case man

appointed on probation and regular employee who come on transfer are undergoing debarment from promotion then the man on station wise seniority will be allowed to officiate. In case of Dharam Pal man on probation stood appointed on 25-7-83 (as admitted by Dharam Pal in his claim petition). Dharam Pal took charge on 1-8-1983 so on station wise seniority man appointed on probation whose name is Gurdev Singh was senior. So same Gurdev Singh was entitled to officiate as cash peon. So if Bank rectify its mistake it has committed no fault. In fact Bank was in error in allowing officiation as cash peon to Dharam Pal for the period 1-8-83 to 31-10-1984 even. As regard Chatter Singh is concerned it has been admitted by Chatter Singh in claim petition that man appointed on probation was allowed to work as cash peon after he become regular i.e. after the date when 30 months debarment period of probationer stood expired. So probationer being not undergoing any debarment was entitled to officiate as cash peon and if Bank allowed officiation of Cash peon to said man then Bank committed no fault. In the present case no defect can be found in the order of the Bank dated 7-2-1984 and 1-11-1984 in not continuing Chatter Singh and Dharam Pal as cash peon. As such I am of the view that in the present case workmen have no case. Reference are answered against the workmen.

Chandigarh,

Dated : 13-1-1988.

M. K. BANSAL, Presiding Officer

[No. L-12012/295/85-D II (A)]

का. आ. 627:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 627.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SRI ARIAN DEV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, KANPUR, UTTAR PRADESH

Industrial Dispute No. 67 of 1986

In the matter of dispute between :

Shri Ram Bilas Singh,
Clo. Sri V. N. Sekhari,
Birhana Road, Kanpur.

AND

The Regional Manager,
State Bank of India,
The Mall, Kanpur.

APPEARANCE :

Shri V. N. Sekhari, authorised representative—for the workman.

Shri S. N. Sharma Advocate—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012(120)/85-D.II.(A), dated 20th

March, 1986, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Management of Regional Manager, State Bank of India, Kanpur, in terminating the services of Shri Ram Bilas Singh, Ex-guard, of Chakeri Branch, with effect from 16-1-85 is justified? If not, to what relief the workmen concerned is entitled?

2. The case of the workman in brief is that he had worked for 254 days as temporary Arms Guard at Naveen Market, Mandhana, PPN Market and Chakeri Branches of State Bank of India, at Kanpur, during the period 12-3-84 to 15-1-85. The management did not issue him any letter of appointment nor any letter of termination. He was not even given notice or notice pay in lieu of notice and the retrenchment compensation. At the time of his termination he was not the junior most workman. Juniors were retained in service and fresh hands were appointed after his termination. Besides the management opened new offices and employed fresh hands and consequently there was no justification of termination of his services. Although he was designated as a temporary hand, he was employed to do duties of a regular and permanent nature of a Guard.

3. Thus the management breached the mandatory provisions of paras 493, 495, 507, 516, 519, 522 and 524 of the modified Shastri Award and also of the provisions of section 25G and 25H of the Act.

4. The defence of the management in the case is that no valid industrial dispute exists between the workman and the management. As such the claim of the workman is liable to be rejected. Management pleads that the workman was engaged at Chakeri Branch of the Bank as temporary Badli Guard against leave vacancies arising out of absenteeism of permanent Bank Guards posted thereon. Thus the workman was not engaged either against regular vacancy or as an additional hand. At Chakeri Branch, he worked for 74 days in all from 4-10-84 to 15-1-85. While applying for temporary appointment as Badli Guard at Chakeri Branch of the bank he willfully concealed the fact of his having served earlier in similar capacity at other branches of the Bank at Kanpur. Had he not done so he would not have been engaged at Chakeri Branch. The claim of the workman is therefore, liable to be rejected on this very ground. Not only that the workman voluntarily settled his lawful due, with the bank without any demur and protest. As such he is stopped from raising any controversy now. It is further pleaded by the management that the temporary services rendered by the workman as Badli Guard at Naveen Market, Mandhana, P P N Market and branches of the bank cannot be legally clubbed with the period of his engagement of Chakeri Branch. According to the management there has been no breach of the provisions of section 25-G and 25H of the Act as the same are not applicable to the facts of the present case. There is no violation of para 493 of Shastri Award. Rest of the paras of Shastri Award as referred to in the claim statement are not applicable in this case.

5. In support of its case, the management has filed the affidavit of Sri R. K. Verma, an Officer of State Bank of India, presently posted in Region V, Kanpur. He has proved the documents filed by the management with list of document dt. 24-10-86, and the photostat copy of the application dt. 4-10-84 of the workman which is Annexure to the Written Statement. On the other hand, the workman has examined himself. Both of them have been cross examined at length by the authorised representative of the other side.

6. Let us see first for how many days the workman had worked during the period of 12 months preceding the date of his termination. In para 14(C) of the written statement, the management has admitted that between period 4-10-84 and 15-1-85, the workman had worked at Chakeri Branch of the Bank for 74 days. This fact has also been stated by the management witness in his affidavit. As already stated by me management witness has proved the documents filed by the management with the list of the

documents dt. 24-10-86. From document no. 3 it appears that at P P N Market branch of the Bank, the workman had worked for 160 days during the period 15-1-84 to 12-9-84. Then from document no. 2 it appears that at Mandhana branch of the bank he worked on 11, 12 and 18 to 30th April 1984, and also on 1st and 2nd May 1984 i.e., for a total period of 17 days. It therefore, comes out from the own documents of the management that the workman had worked for 251 days during the period 15-1-84 to 15-1-85.

7. Shri S. N. Sharma, authorised representative for the management has contended that the temporary services rendered by the workman in different branches of the Bank at Kanpur, cannot be legally clubbed in-as-much as the employment of the workman in each of these branches was distinct, fresh and independent. Each branch of the Bank is a separate and independent establishment for the purposes of Industrial Disputes Act. In this argument of the authorised representative for the management, I do not find much force. State Bank of India is admittedly a Class A Bank. In the case of such a Bank according to para 507 of the Shastri Award for the purposes of retrenchment a Town is to be taken as Unit.

8. Thus the workman had completed for more than 240 days of service in the bank in a calendar year preceeding the date of termination of his services.

9. In his cross examination, the management witness has admitted that the workman was not given any notice pay nor any retrenchment compensation. Thus the management violated the mandatory provisions of Section 25-F of the Act.

10. Now let us examine the case set up by the workman with regard to application of section 25G and H of the Act. Section 25H of the Act has no application to the facts of the present case, because in the present reference we are not concerned with the question of re-employment. Even the application of section 25G of the Act in the present case appears to be highly doubtful.

11. In his affidavit, the workman has deposed that he worked as Guard against regular vacancies and performed duties of a permanent nature. However, he was designated as Badli Guard/and or Temporary Guard by the bank. In para 3 of his statement in cross examination the workman has deposed that from 12-3-84 to 15-3-84, he worked at Naveen Market branch of the Bank in place of permanent guard Sri Angad Singh, who had gone on leave. He has also said that on 11th and 12th of April, 1984 and also from 18-4-84 to 2-5-84, he had worked in place of permanent guard Sri Chandia Bahadur, who had been transferred. Then he has stated that at Chakeri Branch, he had worked for 74 days between 4-10-84 and 15-1-85, in place of S/Sri Makhan Singh, Tejvir Singh, Balram Singh and Sri Sheonath whenever they had been sent to other places for work. It follows therefore, that there had been no clear vacancy at any of the aforesaid branches. Vacancy takes place only if out of sanctioned strength some workman retires resigns or is dismissed. This is not stated to be the case by the workman. Therefore, from the above it is proved that the workman has simply worked either in leave vacancy or in the absenteeism of the regular permanent Arms Guard. As such the question of application of Section 25G in the present case, does not arise. Since the services of the workman had been terminated in breach of the provisions of section 25F I.D. Act, hence, it is held that the action of management of Regional Manager, State Bank of India Kanpur, in terminating the services of Shri Ram Bilas Singh, workman with effect from 16-1-85, was not justified. Accordingly he is held entitled to be reinstated in Bank's service with full back wages.

Reference is answered accordingly.

11-1-1988.

ARJAN DEV, Presiding Officer

[No. L-12012/120/85-D.II(A)]

का. आ. 628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरूपित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 628.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR, UTTAR PRADESH

Industrial Dispute No. 87 of 1986

IN THE MATTER OF DISPUTE BETWEEN

The General Secretary, Central Bank Employees' Congress, (U) 2/456 Nawabganj, Kanpur, Uttar Pradesh.

AND

The Regional Manager, Central Bank of India, Regional Office Pandu Nagar, Kanpur, Uttar Pradesh.

APPEARANCE :

Shri Rakesh Tondon, Law Officer—for the Management.

Shri R. N. Shukla—for the workman.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-12012/147/85-D, II(A), dated 26th May, 1986, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Central Bank of India, in denying promotion to Shri Suresh Chandra Gupta, Sub-Staff Shuklaganj Branch, Kanpur, in the clerical cadre with effect from September 25, 1978 was justified? If not, to what relief is the workman entitled to?

2. The admitted facts are that Shri Suresh Chandra Gupta workman who was a member of sub-staff in Shukla Ganj Branch of the Central Bank of India (hereinafter referred to as Bank) in the year 1978, in terms of the promotion policy of the Bank appeared for test for promotion to clerical cadre and on being declared successful was selected for promotion to clerical cadre alongwith S/Shri Anandi Lal, R. K. Chaurasia, Ramesh Chandra, Gopal Singh and Sri Nath Mehrotra. Further, whereas S/Shri Anandi Lal and R. K. Chaurasia, who were promoted as clerk on 25-9-78, the rest were not given promotion to clerical cadre on that date.

3. The workman's case is that on 25-9-78 and thereafter vacancies of clerks in Kanpur Region of the bank were vacant and several persons other than him and those selected with him were recruited and posted as clerks. As such denial of promotion to the workman and others who were selected with him in the test was discriminatory, arbitrary, unfair and unjust. Hence, the workman is entitled to clerical cadre's promotion w.e.f. 25-9-78, alongwith all benefits of seniority and increments in the said cadre.

4. The defence is that the candidates selected for promotion to clerical cadre from sub-staff ranked in the following order of merit S/Shri Anandi Lal, R. K. Chaurasia, Suresh Chandra Gupta, Ramesh Chandra Srivastava, Suresh Nath

Mehrotra and Sri Gopal Singh. Out of the above six candidates S/Shri Anandi Lal and R. K. Chaurasia were promoted on 25-9-78. Management further pleads that there being acute shortage of sub-staff during those days and due to administrative exigencies only the above named two candidates could be promoted to clerical cadre. It was not possible to promote the remaining 4 successful candidates. There had been no recruitment of sub-staff from 1974 and onwards. It was only in the year 1980 that recruitment of sub-staff took place. It was only after recruitment of sub-staff that promotion to the remaining candidates including the workman was given w.e.f. 29-2-80. In the alternative the management pleads that it was not obligatory on its part to promote all the 6 successful candidates on one and the same time.

5. In support of its case the management had filed the affidavit of Sri V. K. Bhandari, Regional Manager, Kanpur Region. On the other hand in support of his case the workman has filed his own affidavit. Both of them were cross-examined by the authorised representative for the other side. A few documents have also been filed in the case.

6. After going through the evidence on record and after considering the relevant clauses of memorandum of Agreement arrived at on 20-12-75 between Central Bank of India and its workmen regarding procedure for promotion from one cadre to another cadre, I am of the view that the workman should succeed in the case. The relevant clauses of the memorandum of the agreement are clauses 9.11 and 9.12. They read as under :—

Clause 9.11

A penal of successful candidates shall be prepared on Divisionwise basis, in order of ranking strictly on the basis of aggregate marks obtained in the written test and interview.

Clause 9.12

Promotion to clerical cadre from the penal of successful candidates shall be effected according to availability of suitable clerical vacancies in the Division

The question therefore, to consider is whether on 25-9-78, the date on which S/Shri Anandi Lal and R. K. Chaurasia were promoted to clerical cadre vacancy in the clerical cadre for absorption of workman in question existed or not. In this connection I would like to refer to the workman's application dated 24-12-86, by means of which certain information was sought from the management, besides some documents. The information which was sought was on the point whether or not there had existed vacancies in clerical cadre in Kanpur Region on 25-9-78 and also vacancies which existed in the said Region thereafter upto 29-2-80. This application came up for orders before my learned predecessor on 19-7-87. Before my learned predecessor Sri A. K. Saxena, the authorised representative for the management, made the statement that on 25-9-78 there were vacancies in the clerical cadre but the workman was not promoted as there was shortage in class IV sub-staff. On the basis of above statement my learned predecessor dispose of the application observing that summoning of the documents was not necessary. I may state here that Sri R. N. Shukla, the authorised representative for the workman, during the course of arguments did not bring all these facts to my notice. It was only when I went through the file that these facts came to my notice.

7. The above statement given by the authorised representative of the management before my learned predecessor cuts short the whole thing. If vacancy had existed on 25-9-78, then, in view of clause 9.12 of the agreement, there was no option left with the management but to promote the workman and others, if there had existed more than one vacancies. It is no excuse that promotions of the workman could not be made due to acute shortage of sub-staff during those days. I may also state that Sri A. K. Saxena, authorised representative for the management on 19-7-87, while making the statement referred to above also stated that sub-staff and casual workers were also engaged. In view of it I fail to understand the stand taken by the management that there was acute shortage of sub-staff.

8. During the course of arguments it was urged by Sri Rakesh Tondon, Law Officer, Central Bank of India, that it was not obligatory on the part of the bank to promote all these selected candidates at one time. It was a discretion solely vested with the management. This argument would have sustained had there been no agreement dated 20-12-75 referred to above. This would have been a very good argument in the absence of such an agreement. Such an agreement could hold good in respect of direct recruitment to the clerical cadre.

9. Hence, it is held that the action of the management of Central Bank of India in denying promotion to Sri Suresh Chandra Gupta, Sub-staff Shuklaganj Branch, Kanpur in the clerical cadre w.e.f. September, 25, 1978 is not justified.

10. The result is that Sri S. C. Gupta (Suresh Chandra Gupta) is entitled to all benefits of seniority and increments in the clerical cadre w.e.f. 25-9-1978.

ARJAN DEVI, Presiding Officer
[No. L-12012/147/85-D.II(A)]

का. आ. 629:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के विवाद का प्रकाशित करती है, जो केन्द्रीय सरकार का मांग हुआ था।

S.O. 629.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the New Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 33/86

In the matter of dispute between :

Shri R. K. Suri C/o New Delhi General Mazdoor Union, B-89, Gulmoher Park, New Delhi.

Versus

The Regional Manager, New Bank of India, 1, Tolstoy Marg, New Delhi.

APPEARANCES :

None—for the workman.

Shri Sushil Kumar—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/4/85-D.IV(A) dated 4-2-86 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the alleged resignation of Shri R. K. Suri was of his free will and without coercion? If not, to what relief the workman is entitled?"

2. The workman filed statement of claim. Management filed written statement. Today when the case was fixed for hearing, the workman did not appear. Therefore, the industrial dispute is disposed of for non-prosecution

19th October, 1987.

G. S. KALRA, Presiding Officer

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.
19th October, 1987.

G. S. KALRA, Presiding Officer
[No. L-12012/4/85-D.IV(A)]

का. आ. 630:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 630.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 15th January, 1988.

ANNEXURE

BEFORE SHRI S. J. SHETH, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 24 of 1987

ADJUDICATION

BETWEEN

Central Bank of India, Porbander.—First Party;

AND

The workmen employed under it.—Second Party.
In the matter of termination of services of Shri Rajindra Singh B. Rathod, Watchman.

AWARD

This industrial dispute between Central Bank of India, Porbander and the workman employed under it has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour's Order No. L-12012/139/86-D. II(A) dated 20th April, 1987.

2. The dispute relates to a single demand of the workman which is as under :—

"Whether the action of the management of Central Bank of India, Porbander, in terminating the services of Shri Rajindra Singh, B. Rathod, Watchman w.e.f. 1-4-85 is justified? If not, to what relief the concerned workman is entitled?"

3. However, before this reference can be heard and finally disposed of, the parties have come to terms and filed the terms of settlement with a request to make an Award in terms of settlement. The terms of settlement appears to me fair and reasonable in the circumstances of the case and I, therefore, take the same on record and make an Award in terms of settlement Ex. 15 which is annexed herewith as Annexure "A". No order as to costs.

Ahmedabad.

Dated : 21st December, 1987.

S. J. SHETH, Presiding Officer
[No. L-12012/189, 86-D.II(A)]

ANNEXURE "A"

SETTLEMENT UNDER SECTION 2(P) OF THE INDUSTRIAL DISPUTES ACT, 1947 AND RULE 58 OF INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957

MEMORANDUM OF SETTLEMENT

Name of the parties :

The Manager, Central Bank of India—Representing Central Bank of India.

AND

Shri Rajendrasingh B. Rathod, Bahvsingh Hospital's Compound, Quarter No. 5, Porbandar-360575.—Representing Shri Rajendrasingh B. Rathod.

SHORT RECITAL OF THE CASE

Whereas Shri Rajendrasingh B. Rathod has raised a Industrial Dispute which has been referred to Honourable Industrial Tribunal (Central) consisting of Shri S. J. Sheth and the same numbered as Ref. (JT) No. 24/87.

Whereas the aforesaid parties had protracted a negotiation in respect of the aforesaid dispute whereas the parties have arrived at the following terms of settlement.

TERMS OF SETTLEMENT

1. The Central Bank of India (hereinafter called the 'Bank') agrees to absorb Shri Rajendrasingh B. Rathod afresh prospectively as a Peon-cum-watchman without back-wages or benefits of seniority or in full and final settlement of all the claims.

2. Mr. Rathod also agrees to withdraw all the claims made in the aforesaid matter and any other matter which may be pending before any authority or Court.

3. Mr. Rathod agrees that this settlement puts an end to all the disputes between him and the Bank and there is no amount due to him under any head or under Act or notification in respect of overtime, leave with wages arrears of wages any allowances, minimum wages, suspension allowance, bonus, notice pay, retrenchment compensation or any amount under any Award either past or future or any settlement and he would withdraw any claim if pending before any Court or Authority.

4. This settlement in the aforesaid matter will not form a precedent in other cases pertaining to other persons and this settlement is made without prejudice to the contentions taken by the Bank in the written statement filed in the aforesaid Reference.

Witness

1. Sd/- Illegible

2. Sd/- Illegible

Sd/ Manager,
Central Bank of India, Ahmedabad

Sd/- R. B Rathod

का. आ. 631:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ महाराष्ट्र, के प्रबन्धन के सम्बद्ध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 631.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the Bank of Maharashtra and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI M. K. BANSAI, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. No. 21/87

PARTIES :

Employers in relation to the management of Bank of Maharashtra;

AND

Their workman—Kapil Dev Chadha.

APPEARANCES :

For the workman.—Shri Viswas Utagi.

For the management.—Shri B. S. Joshi.

INDUSTRY : Banking

STATE : Chandigarh.

AWARD

Dated the 7th January, 1988

Vide Central Govt. Gazette Notification No. L-12012/244/86-D.II(A) dated 16th April 1987, the following industrial dispute under section 10(1)(d) of the Industrial Disputes Act 1947 between workman Kapil Dev Chadha and Bank of Maharashtra was referred to this Tribunal for adjudication which is as under :

"Whether the action of the management of Bank of Maharashtra in relation to their Chandigarh Branch in got treating the period of temporary service of Shri Kapil Dev Chadha, Clerk, w.e.f. 26-12-1974 as part of his probation period on his regular employment from 10-11-1975 is justified ? If not, to what relief the concerned workman is entitled ?"

2. The case of the workman is that he was appointed clerk vide office order dated 26-12-1974 of Asstt. Divisional Manager New Delhi Branch. That no appointment letter was given but the services of the workman was utilised by an office order. That workman was appointed on the opening day of the Branch at Chandigarh i.e. 26-12-1974. That services of the workman were abruptly terminated time and again without any notice but workman services for the period detailed below were utilised against post on permanent vacancy :

From	to	No. of days	Days of induced breaks	No. of days
26-12-74	25-3-75	90	26-3-75 to 28-3-75	3 (27th & 28th March, 1975 holiday)
29-3-75	7-6-75	71	8-6-75 to 10-6-75	3 (8th June Sunday)
11-6-75	28-8-75	79	29-8-75 to 31-8-75	3 (30th Aug., 1975 Holiday) 31st Aug. 75 Sunday.
1-9-1975	6-10-1975	36	7-10-75 to 9-10-75	3 (7th Oct., 75 Sunday)
10-10-1975	7-11-1975	28	8-11-75 to 9-11-75	2 (9th Nov., 75 Sunday)
		304		14

The workman was appointed on probation w.e.f. 10-11-1975. Workman alleged that he is entitled to count the period 26-12-74 to 10-11-1975 in view of the terms of Shastri Award because was appointed against permanent post and he continued on that post and later on he was appointed on probation against the said post. Management has not given him benefits of his service from 26-12-1974. The workman was not allowed to appear in the written examination from promotion from clerk to officer grade twice which was held on 19-2-1978 and 17-12-1978. That workman was deprived of the post of officer grade-I w.e.f. 1-1-1982 because of non-consideration of his seniority from 26-12-1974. The workman alleged that he has successfully qualified written test and interview. Workmen also alleged that he has suffered financial losses due to act of the Bank in not giving him benefits of temporary service. So he prayed that he be treated as probationer w.e.f. 26-12-1974 and entitled to all benefits i.e. increment medical bonus and seniority etc from that date. That he is entitled to promotion as special asstt. w.e.f. 26-12-1979 when he completed five years of service. That he is entitled to promotion as officer Grade-I w.e.f. 1-1-1982. That workman should be treated at par with officer who got promotion in the batch of June, 1978.

3. The Bank in their reply alleged that present dispute is individual grievance of workman and as such can not be industrial dispute which could be raised by the Union and as such this Tribunal cannot decide the reference. That the demand has been raised in respect of the alleged rights after a period of almost 13 years. As such demand being stale should not be adjudicated upon to disturb the entire working of the Bank. That Bank opened a new branch at Chandigarh. The actual requirement of employees of various categories to carry out the work of the Bank which was of temporary nature could not be determined at that time. So there was no permanent vacancy which can be identified. The workman was appointed vide office order dated 26-12-1974 for a period of 2 months, but not against any permanent vacancy. That benefits of para 20:8 of Bipartite Settlement can be claimed if appointment is against permanent vacancy otherwise not. That workman can not claim benefits of para 20 : 8 as he was not working in the same post. That Bank conducted examination in March 1985. The workman could not qualify in the written test. It was alleged that Bank has not violated para '5 : 22 Sub-clause 4, 5 : 22 Sub-clause 5 and 5 : 24 of Shastri Award read with Section 2(oo) and 25-F of Industrial Disputes Act. That appointment of the workman was for specified period which itself was notice of termination. That there was no need to issue separate notice for that purpose. That services of the workman were not utilised against permanent vacancy but he was asked to work on different tables as per exigencies of work from time to time. That Chandigarh branch was situated in the capital city where number of branches of different banks are already working. So it was necessary to watch the progress of the branch before deciding exact requirement of the Branch and uses of permanent vacancy. That Bank did not sanction any permanent vacancy so question of workman being absorbed against permanent vacancy does not arise. It was further alleged that Mr. Chadha has no right to claim seniority from the back date because past service cannot be counted. The factual position about services of Mr. Chadha with the Bank was not disputed.

4. Both the parties in support of their respective allegations filed documents and also led oral evidence. MW1 Tarake Dalip Govind officer of the Bank deposed that the branch started functioning at Chandigarh w.e.f. 26-12-1974. That there were five clerk and two sub-staff in the branch. That all the staff was recruited through advertisement in Times of India dated 30-9-74. That workman used to work on current cash credit. That no fixed table was allotted to him. That all the employees were selected on temporary basis subject to their passing in the written test and interview and depending on the number of vacancies. That workman could not pass the test held in March 1975. That workman was allowed to continue because it was expected that there will be increase in volume of work. In cross he admitted that workman was called for interview. He also could not say how many persons were called for interview in 26-12-1974 and what was the criteria. He

also admitted that mainly the workman worked on cash credit counter during the year 1975-76. The workman in his evidence as WW1 alleged that he was selected on the basis of oral interview on 25-12-1974. That he was not given any appointment letter and he was asked to work on cash credit counter. That he was not allowed to take the test for officer in 1978 on the plea that he was taken on probation on 10-11-1975. In cross he admitted that he was informed by the Bank in 1978 that he is not eligible to appear in officer's test. That he kept mum thereafter. That in 1979 he appeared but could not qualify in the written test. That in 1983 he again appeared but could not qualify. He stated that he awaited the decision of the case of Mr. V. P. S. Bhatia which was similar to his case.

5. In the present case it is not disputed that branch of the Bank at Chandigarh started functioning from 26-12-1974. It is also proved that Bank gave advertisement in Times of India for recruitment of sub staff. The copy of the said advertisement is on the file. Its perusal shows that persons were to be selected on basis of oral interview for appointment purely on temporary basis. Before being taken on probation they were required to pass the test. It is also admitted that workman was given extension from time and again and was taken on probation in November 1975. It is admitted that workman could not qualify in the written test. The case of the workman is that his period of service from 26-12-1974 to the date of his being taken on probation i.e. 10-11-1975 is liable to be included in his service as he will be deemed to be working on the post which was permanent against which he has been absorbed. The case of the Bank is that as new branch was opened so there was no permanent post at the new branch. That it is still to be ascertained as to what will be the volume of work and what staff is required to meet the work and as such workman can not be deemed to have worked against any permanent post from the beginning. The 2nd contention of the Bank was that maximum, the workman can count the period of 3 months service done by him on temporary basis. In fact the case centre round the interpretation of paragraph 20.8 of the Shastri Award which provides as under :

"A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the Bank shall make arrangement for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period."

6. The word temporary service has been defined in 20.7 and is as under :

"It means that a workman who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman."

7. Now it has to be seen whether workman can include all the period or not and whether workman can be deemed to be working on permanent post or not. It has also to be seen whether temporary employment as defined in paragraph 20.7 cover all the cases or not. I am of the view that paragraph 20.7 does not cover all the cases of temporary appointment. Above clause does not cover the cases where bank wants to open the new branch and where necessity of work load is still to be determined. Persons required to meet the work load can not be determined off hand and it can not be said that any person appointed in the branch which is still to start functioning has been appointed against any permanent post, as permanent posts are to be identified on the basis of work load which will be there in the branch which has been opened new. So question of workman working against the permanent vacancy does not arise to get benefit of paragraph 20.8 workman is required to prove that he was

a temporary workman. That he has been appointed in a permanent vacancy and he was ultimately selected to fill up the vacancy. In the present case as branch was newly opened so question of permanent vacancy being there in the branch does not arise on the day of his appointment. So question of workman being appointed against any permanent post does not arise.

8. In the present case even if it is held that there was a permanent post against which workman was appointed then also it has to be decided as to how much period of service the workmen can count towards his probation period. According to Bank the maximum period of temporary service which can be counted towards probation is of three months and not more than that. After going through paragraph 20:8 reproduced above I am of the view that maximum period of temporary service that can be counted towards probation period is of three months and not more than that. The position would be quite different if during the period of three months the bank would not have tried to make any arrangement to recruit person on regular basis but here in the present case Bank as per the advertisement conducted the test. Workman took the test and failed. So here workman can not be appointed on probation as he failed in the test. Workman was allowed to continue but it will not show that workman is entitled to count the entire period of temporary service as his probation period. This period of temporary service could be counted towards probation period only under paragraph 20.8 of Shastri Award which provide for giving minimum period of three months. So in the present case workman can only count the maximum period of three months towards his probation period.

9. The contention of the workman that as case of Mr. Bhatia decided by Shri I. P. Vasishth my predecessor vide his award dated 1-2-1985 is similar to his case so he should be allowed to count the whole period of his temporary service towards his probation. To this contention I do not agree. Award of one Labour Court is not binding on the other. Even otherwise case of Mr. Bhatia is distinguishable on facts. Mr. Bhatia was appointed at Amritsar where the branch was already functioning and there was permanent post in the said branch. In the case of Mr. Bhatia his temporary service was for less than three months. On the contrary the Bank has placed on file the Award of Labour Tribunal Delhi where in it was held that period of temporary service cannot be counted towards probation under 20:8 of Shastri Award. The Bank has also placed on the file the Award given by Jabalpur Bench and Bombay Bench wherein it was held that under 20:8 maximum period of probation which can be counted is of three months and that too if the workman is appointed against any permanent vacancy. In the present case the workman was appointed on the post or opening of the branch. In such branch the question of any permanent vacancy being there on the date of appointment does not arise. The work load is still to be identified and determined. The permanent vacancy is to be fixed on the said basis. So question of workman being appointed against any permanent vacancy does not arise.

10. The contention of the workman is that as he completed 240 days of service though as a temporary employee he can not be retrenched with giving retrenchment compensation so it would be held that he has a right to count his temporary service towards his probation. I do not agree to this contention. When there is settlement then terms of settlement will have to be given effect. Law relating to retrenchment can not be applied to give seniority etc. In the cases of retrenchment law only provide that services of workman can not be terminated without giving adequate compensation. The said law does not provide that man become permanent employee or entitled to seniority etc. The question whether workman is entitled to count his previous service or not will depend on the point whether he has been appointed against any permanent vacancy or not which is not there in the present case. So this contention of the workman cannot be accepted.

11. The management has also raised an objection that due to delay this reference does not lie. I am of the view that delay will not defeat the right of the workman to get

promotion. Only effect will be that workman will not be allowed to disturb the seniority list of the officer if his right is allowed. That workman will get promotion to officer cadre subject to the condition that he will rank junior to the officer who has already been promoted prior to publication of the Award. The pay etc. which workman have to get as officer however will remain protected.

12. Bank has also raised an objection that this being individual dispute, the reference is not capable of being decided under Section 10 of the Industrial Disputes Act. To this contention I do not agree. Dispute of the workman have been raised by the Union which have been referred to this Court. The right of workman to get promotion is certainly an industrial dispute. So this contention of the Bank can not be accepted.

13. Bank also contended that present reference is bad because this matter is also pending before Regional Labour Commissioner (C) Bombay. According to the Bank the point whether temporary service can be counted towards probation is involved in cases of many employees of the Bank and the matter is the e for negotiated settlement before R.L.C.(C) Bombay. This fact is no doubt true and proved from the documents placed on the file that before R.L.C. (C) Bombay dispute is pending for negotiated settlement whether period of temporary service rendered can be counted towards probation or not. If so to what extent. In the present case I am of the view that this is not going to have any effect because it is not proved that workman is a party to the said negotiated settlement. The dispute of workman being an individual dispute which is to be decided by this Court. So objection of the management is over ruled.

14. As a result of my above discussion I am of the view that in the present case the reference is to be answered against the workman and answered accordingly.

Chandigarh,

Dated : 7-1-1988.

M. K. BANSAL, Presiding Officer

[No. L-12012/244/86-D.II (A)]

नई दिल्ली, 15 फरवरी, 1988

का. आ. 632:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-88 को प्राप्त हुआ था।

New Delhi, the 15th February, 1988

S.O. 632.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 3rd February, 1988.

ANNEXURE

BEFORE SRI ARJAN DEV. PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 272 of 1985

In the matter of dispute between :—

The Divisional Secretary Central Bank Employees Association Kapoor Bhawan, Kappora Gali, Near State Bank of India, Amroha-U.P.

AND

The Chief Manager, Central Bank of India, B-88 Civil Lines Divisional Office Bareilly

APPEARANCE :

Shri O. P. Nigam, authorised representative—for the workman.

Shri A. K. Saxena, authorised representative—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012(62)/85-D.II (A) dated 22-11-85, has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Central Bank of India in relation to their Bareilly branch in terminating the service of Shri Kamal Kumar Mehrotra from 26-2-82 without any written order notice and retrenchment compensation to was justified? If not, to what relief the workman is entitled to?"

2. The instant case was fixed on 19-1-88 for filing of affidavit evidence from the side of the workman at Camp Lucknow. On 19-1-1988, representatives for both the sides submitted before the Tribunal that a settlement between the parties had arrived at and the same would be filed in the Tribunal on 21-1-88. On 21-1-88, a settlement duly signed by the authorised representative for the workman Shri O. P. Nigam and by Sri S. P. Kacker, Chief Manager of the Bank's Zonal Office was filed in the case with the prayer that an award be given in the light of terms of settlement. The terms of settlement which was filed on 21-1-1988 are as under :—

1. That Sri Kamal Kumar Mehrotra will be given a fresh appointment in sub-staff cadre in Opposite Party Bank as per Bank rules.
2. That Sri Kamal Kumar Mehrotra shall be on six months probation from the date he joins his duty.
3. That Sri Mehrotra shall never raise any claim in any way in respect of back wages/or back date seniority etc
4. That Sri Mehrotra will produce necessary testimonials in respect of his date of birth and he will also submit a Medical Fitness Certificate from the Chief Medical Officer or the Bank's Doctor. Appointment letter will be issued by the bank on production of necessary testimonials as aforesaid.
5. That the opposite party Bank as far as possible shall try to post Sri Mehrotra in any one of the branch in Bareilly or nearer to Bareilly City (in case there is no vacancy in Bareilly City).
6. That Sri Kamal Kumar Mehrotra shall be given the appointment in Bank as aforesaid only when 'No Dispute Award' is passed in the above case by this Hon'ble Tribunal
7. That the claimant Sri Kamal Kumar Mehrotra now has no claim/dispute against the bank for the past and he shall not raise any claim for the same in future also. The above terms shall be binding on both the parties.
8. That a copy of this application and No Dispute Award shall be submitted to Assistant Labour Commissioner and Regional Labour Commissioner by Sri Kamal Kumar Mehrotra for their information and record.

3. Thus from the above terms of the settlement it is clear that now no dispute exists between the parties. The said settlement is duly verified by the representative of both the parties. I, therefore, give my award in terms of settlement.

4. Award is given accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012/62/85-D.II (A)]

का. आ. 633:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंदौर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-88 को प्राप्त हुआ था।

S.O. 633.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the State Bank of Indore and their workmen, both was received by the Central Government on the 4th February, 1988.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 175 of 1987

Reference No. L-12012/219/86-D.II(A) dt. 26-11-87
In the matter of dispute between :
The Asstt. General Secretary,
U.P. Bank Employees' Union
36/1 Kailash Mandir,
Kanpur;

AND

The Assistant General Manager,
State Bank of Indore,
5 Yashwant Niwas Road,
P.B. No. 214, Indore-452 003.

APPEARANCE :

Shri S. N. Sharma, Adv.,—for the management.
None—for the workman.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/219/86-D.II(A) dt. 26-11-87, has referred the following dispute for adjudication to this Tribunal,

"Whether the action of the management of State Bank of Indore, Kanpur in terminating the services of Shri Kamal Kumar Mishra w.e.f. 26-7-1983 and not considering him for further employment under section 25H of the ID Act is justified? If not, to what relief the concerned workman is entitled?"

2. In the instant case first notice was issued to the workman concerned to file his claim statement fixing 11-1-1988, on 8-12-1987. On 11-1-88 Sri S. N. Sharma, on behalf of the management put in his appearance but neither the workman nor his representative appeared before the Tribunal to file claim statement. The case was then fixed on 29-1-88 for filing the claim statement but on the said date none appeared from the side of the workman to file claim statement, though notice from the office was sent to the workman fixing 29-1-88 on 12-1-88.

3. It appears that the workman concerned is not interested in prosecuting the case. Hence, in the circumstances a no claim award is given.

4. Let six copies of this award be sent to the Government for its publication.

ARJAN DEV, Presiding Officer

[No. L-12012/219/86-D.II(A)]

का. आ. 634—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया के प्रबन्धनत्व के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-88 को प्राप्त हुआ था।

S.O. 634.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the New Bank of India and their workmen, which was received by the Central Government on the 29th January, 1988.

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 147 of 1987

In the matter of dispute between :

General Secretary, U.P. Bank Employees Union 36/1,
Kailash Mandir, Kanpur ;

AND

The Regional Manager, New Bank of India, Regional
Office 94, M. G. Marg, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/11/86-D.IV(A), dated 21st September, 1987, has referred the following dispute for adjudication to this Tribunal:—

“Whether the action of the Management of New Bank of India in the matter of superseding Sri Pratap Singh, Clerk cum Cashier Jhansi Branch by a junior workman w.e.f. 31-12-85, is justified? If not, to what relief the concerned workman is entitled to?”

2. In this case notices were issued thrice to the workman concerned for filing his claim statement with relevant documents, list of reliance and witnesses etc. The first notice was issued by the office on 29-9-87 fixing 16-10-87 for filing claim statement, second time notice was issued on 19-10-87 fixing 12-11-87 for the same and third time notice was issued on 17-11-87 for 10th December, 1987, but on 10-12-87 again none appeared and ultimately the case was ordered to come up on 13-1-88 for filing claim statement. Lastly, on 13-1-88 again none appeared from the side of the workman. It appears that the workman is not interested in prosecuting the case. Hence a no claim award is given in the instant case.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/111/86.D.IV(A)]

नई दिल्ली 17 फरवरी, 1988

का. आ. 635—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजया बैंक के प्रबन्धनत्व के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

New Delhi, the 17th February, 1988

S.O. 635.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the Vijaya Bank and their workmen, which was received by the Central Government on the 8th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT BANGALORE
PRESENT :

Sri B. N. Lalge, B.A. (Hons) I.L.B. Presiding Officer.

Central Reference No. 42/87

Old Central Reference No. 4/86

FIRST PARTY :

Shri V. Prabhakar Shetty, S/o Shri B. M. Shetty, Vedar
Hubli, College Road, Coondapur Post, Dakshina
Kannada.

V/s.

SECOND PARTY :

The Chairman and Managing Director, Vijaya Bank,
Head Office, 14, M.G. Road, Trinity Circle Banga-
lore-560001.

APPEARANCES :

For the first party—Sri V. Gopal Gowda, Advocate,
Bangalore.

For the second party—Sri K. J. Alva, Advocate, Banga-
lore.

Dated, 1st day of February, 1988

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India, Ministry of Labour made the present reference on the following point of dispute to the Industrial Tribunal constituted by the State Government by Order No. L-12012(54/85-DIV (A) dated 13-2-1986

2. By a general Order No. L-11025/A/87-D.IV (B) dated 13-2-1987. It has been transferred to this Tribunal and it is at Sl. No. 43.

POINT OF DISPUTE

“Whether the action of the management of Vijaya Bank in relation to their Hospet Branch in dismissing Shri V. Prabhakar Shetty, Clerk from service with effect from 22-2-1975 is justified? If not, to what relief is the workman concerned entitled?”

3. Thereupon the first party employee has filed his claim statement and inter-alia he has contended as follows :—

He joined the second party on first October 1971. He has served the second party bank honestly and diligently. The management had issued a charge sheet dated 6-8-1974 containing frivolous and vexatious

allegations. He had given his explanation. The second party appointed one Sri B. L. N. Hegde as the enquiry officer. He was biased. The enquiry was not held in accordance with principles of natural justice and bank rules. The findings are perverse. The second party issued a show cause notice to him. Then he was dismissed by an order dated 22-2-1975. He sent a demand notice. Then he raised a dispute before the conciliation officer. The conciliation failed. It is prayed that an award may be passed for reinstatement with consequential benefits.

4. The second party Bank has filed its counter statement and in it it is contended as follows :—

Even though he was dismissed on 22-2-1975, he has approached the conciliation officer after 9 years and 10 months. The reference is made after 11 years. The reference is not maintainable because of the delay. It is denied that he served the second party honestly and diligently. A charge sheet was issued to him because of his misconduct. The enquiry officer has held the enquiry in accordance with the principles of natural justice and rules. He has given correct findings. Then the first party employee was dismissed. As per the bipartite settlement he should have filed an appeal within 45 days but he has not done so. Even before the order of dismissal, he had submitted a letter of resignation. However it was not accepted because the disciplinary proceedings were pending. The allegations made by him are denied. The reference may be rejected.

5. In view of the said pleadings the following additional issues have been framed

- (1) Whether the reference is not maintainable as contended by second party in para 3 of their counter statement?
- (2) Whether the second party conducted the domestic enquiry in accordance with the principles of natural justice and bipartite settlement?
- (3) What order?

6. Additional Issue No. 2, which relates to the validity of the domestic enquiry was taken up as a preliminary issue. Parties adduced evidence on the said issue and they were heard.

7. By a considered order dated 27-8-1987, this Tribunal has held that the second party has conducted a valid domestic enquiry against him. Thereafter the parties were called upon to adduce evidence on rest of the matters and argue.

8. No further evidence has been adduced by either party.

9. The parties have been heard.

10. My findings on additional issue Nos. 1 and 3 and point of dispute are as follows :—

Additional Issue No. 1—The reference is maintainable

Additional Issue No. 3 and Point of Dispute—The second party was justified in dismissing Sri. V. Prabhakar Shetty clerk from service with effect from 22-2-1975. He is not entitled to any relief.

REASONS

11. Additional Issue No. 1—In para 3 and 4 of the counter statement it has been contended by the second party that if the order of dismissal is dated 22-2-75, the first party employee has approached the Conciliation Officer, after nine years and ten months, and that because of such inordinate delay, the reference is not maintainable. The Industrial Disputes Act does not provide any period of limitation for approaching the conciliation officer or for making the reference. The contention that the reference is not maintainable because of inordinate delay is not sustainable. The learned counsel for the second party contended that the conduct of the first party employee in approaching the conciliation officer after 9 years and 10 months itself shows that he has no case. The impact of delay

on the merits of the case is a different matter and it will be taken into account while discussing that aspect of the case. On issue No. 1 I find that the reference is maintainable.

12. Additional Issue No. 3 and Point of Dispute:—As observed earlier this Tribunal has already held by an order dated 27-8-1987 that the second party has held the domestic enquiry in accordance with principles of natural justice and law. From the pleadings, no issue has arisen on the point of victimisation or unfair labour practice. Those questions do not arise.

13. The learned counsel for the first party argued that the findings of the enquiry officer are perverse. For the determination of perversity there are two tests. Firstly, to see whether the findings are supported by legal evidence or not. Secondly, it shall have to be examined whether on the basis of the material on record, no reasonable person could have arrived at the finding complained of.

14. The learned counsel for the first party contended that the enquiry officer has relied upon medical certificates without examination of the concerned Doctors and thus those documents did not constitute legal evidence. The enquiry officer is not bound by the strict rules of evidence as we find them in the Indian Evidence Act 1972. However, opinions of experts are admissible evidence under section 45 of the Indian Evidence Act. Even otherwise these certificates are admissible evidence as per illustration (e) of section 114 of the Indian Evidence Act. Secondly, there are admissions of the first party employee himself to show that there were injuries on Sadashiva Shetty and himself at the relevant point of time, as is being discussed at a later stage. I therefore, find that it is not a case of perversity where the enquiry officer has based his findings on no legal evidence.

15. The charges against the workman are to be found at Ex. M-1, page 1 of the file. They are as follows :—

“Sri. V. Prabhakar Shetty,
Clerk (under suspension),
Hospet

The following charges have been framed against you :—

- (1) On 6-7-1974, after coming to the branch office at about 10.00 a.m., you picked up a quarrel with some staff members and assaulted Sri. Sadashiva Shetty, Clerk, with Godrej Steel folding chair causing injury on his head.
- (2) After the incident was over, you left the office at about 10.30 a.m., throwing the cash box key held by you.
- (3) As the cash box keys held by you were not available, a peon was sent to you. At about 11.00 a.m., you came to the office and requested for casual leave which was refused. You left the office immediately and remained absent for the day.
- (4) On 7-7-1974, Sri. K. B. Poovaiah, Officer was making preliminary enquiry regarding the incident of the previous day. When he wanted some information from you, instead of furnishing the information, you misbehaved with him and even threatened that you would cause injury to other staff members if the enquiry findings went against you.

Your acts set out above amount to misconduct within the meaning of sub-sections (a) (b) (d) and (e) of section 19.5 and sub-sections (a) (c) (d) and (e) of section 19.7 of chapter XIX of Bi-partite Settlement. You are therefore required to explain why suitable disciplinary action should not be taken against you within 7 days of receipt of this charge-sheet. If no explanation is received within the stipulated time, it will be deemed that you have no explanation to offer and the matter will be proceeded with accordingly.

REGIONAL MANAGER.”

16. The report of the enquiry officer is at Ex. M-4 page 61. Since the enquiry officer gave further opportunity to the workman, he has given an additional report of his findings and it

is at Ex. M-11 page 87. In his additional report the enquiry officer has discussed about the evidence of the defence witnesses and the documents produced by the first party employee. He has stated that he maintains his findings given earlier. The enquiry officer has held that charge No. 2 has not been proved. This Tribunal shall have to examine whether his findings regarding charge Nos. 1, 3 and 4 are perverse.

17. Regarding the first charge that on 6-7-1974 at about 10.00 a.m. he picked up quarrel with the members of the staff and assaulted Sadashiva Shetty with a Godrej Steel Folding Chair and caused injuries to him, the management had examined MW-1 Sadashiva Shetty, MW-2 Srinath and MW-3 Suryanarayan Shetty. All these witnesses have stated that the employee Prabhakar Shetty had picked up quarrel and assaulted Sadashiva Shetty with godrej steel folding chair and that Sadashiva Shetty sustained injuries. The enquiry officer has further found that the said evidence was substantiated by the medical certificates such as Ex. M-3, M-4, A, and M-4 B. Before the enquiry officer the broken chairs and blood-stained shirt of Sadashiva Shetty were produced and the enquiry officer found further support from them to the evidence of MW-1, MW-2 and MW-3. The evidence of Sadashiva Shetty commences from page 5 of the proceedings of Ex. M-5. He has stated that on 6-7-1974 there was some quarrel in their room in the early hours and at 10.00 a.m. when himself, Srinath and Sham Shetty came to the office, they found that Suryanarayan Shetty and the first party employee Prabhakar Shetty were talking. He further states that when he was about to express about the matter, suddenly the employee Prabhakar Shetty got up from his chair and caught hold of his shirt and then both of them fell on the ground. He further states that Prabhakar Shetty kicked Srinath, took a godrej folding chair and that their other colleagues tried to separate them, but Prabhakar started beating him. He then states that he took a wooden chair for protecting himself and that the colleagues were not successful in preventing Prabhakar Shetty from beating him and in that process the wooden chair was broken. He adds that in spite of his defence with a wooden chair he sustained injury on his head and seeing that blood came out from his injury, Prabhakar Shetty stopped and went away. On page 7 of the proceedings Ex. M-5, it appears in his evidence that first aid was given to him and then he told about the matter to the Branch Manager, and that he had taken treatment from a private doctor and however on the next day he took treatment from the Government doctor also on page 35 of the file there is the original certificate of Doctor H. Rajendra Prasad and it shows that Sadashiva Shetty had appeared before him on 7-7-1974 and that there was lacerated injury on the left parietal eminence of the scalp and it was 5-1/2 CM. The certificate shows that the injured gave the history that he had been assaulted on 6-7-1974 by Prabhakar Shetty at 10.15 a.m. On page 36 there is the letter of Doctor Chandra Mohan to the manager of the bank and it shows that, with all the good intentions the doctor requested the Manager, to see that the parties compromised the matter. Ex. M-8 dated 6-7-1978 makes it clear that the said doctor had already found the injury on the scalp of Sadashiva Shetty. Ex. M-8 and the certificate dated 12-7-1974 on page 33 are further supported by the leave certificate issued by the Government hospital dated 12-7-1974. It is at page 34. The enquiry officer has stated in the proceedings that the certificate of Doctor Chandra Mohan is marked as Ex. M-3, the certificate of doctor Rajendra Prasad, as Ex. M-4A and the fitness certificate as Ex. M-4B. In the cross-examination a question has been put to Sadashiva Shetty as to why Srinath and Sham Shetty had joined him to beat him (Prabhakar Shetty) very severely. The witness has denied that they had joined him to beat him but they had intervened to separate them. The question suggests that Prabhakar Shetty admits about fighting between himself and Sadashiva Shetty. The examination in chief of Srinath is to be found on pages 5 and 6 of the enquiry proceedings Ex. M-5. The examination in chief of Suryanarayan Shetty is on pages 8 and 9. Both these witnesses have corroborated the evidence of MW-1 Sadashiva Shetty. The learned counsel for the first party contended that the evidence of MW-1 shows that Prabhakar Shetty gave many blows but the medical certificate shows only one injury and thus there is contradiction and that the enquiry officer has failed to note that the evidence of the eye-witnesses is not reliable, the evidence on record is that Sadashiva Shetty had tried to defend himself with a wooden chair and in spite of it he had sustained an injury on his head. There is no contradiction of such a

nature so as to discard the evidence of MW-1, MW-2 and MW-3 on the point of assault.

18. The evidence of MW-5 T. V. Balakrishna regarding charge No. 2 need not be gone through, since the employee has been held to be not guilty.

19. MW-5 T. V. Balakrishna has stated that at 11.00 a.m. Prabhakar Shetty approached him and requested for casual leave and that it was refused but still then he had remained absent. There is nothing contradictory or in-consistency in his evidence. As per the discussion made by the enquiry officer as regards the third charge.

20. As regards the 4th charge, the enquiry officer has taken into account the evidence of MW-4 Poovaiah. His examination-in-chief commences from page 11 of the proceedings. Ex. M-5. He has stated that as per the orders of the management to hold a preliminary enquiry he visited the branch office on 7-7-1974 at 10.30 a.m. and he started making the preliminary enquiry. Through him the preliminary enquiry report is got marked as Ex. M-5. Prabhakar Shetty had given a written statement and it is marked as Ex. M-6. He had also given a reply dated 9-8-1974 and it is marked as Ex. M-7. MW-4 Poovaiah has stated that Prabhakar Shetty told him that he was having a gang and he further threatened that the lives of all the members of the staff will be in peril and he refused to give any statement. The first party employee has not chosen to cross-examine his witness.

21. In his statement on pages 17 and 18 of Ex. M-5, the employee Prabhakar Shetty has stated that Sadashiva Shetty, Srinath Reddy and Sham Shetty had assaulted him in the house and had tied him with a rope and he had become unconsciousness and that the allegations made against him are all false. In his letter dated 7-7-1974, Ex. M-6 Prabhakar Shetty has stated as follows :—

"And at the same time Sham Shetty and Srinath Reddy began to beat me like anything. When Mr. Sadashiva Shetty started to beat me with a chair I also took up a chair for my protection. He went on beating with the help of chair as one chair was broken, he has taken another chair and totally he has broken three chairs and at last he has stopped to beat me. It was about 10.30 a.m."

In his letter dated 9-8-1974 Ex. M-7 he has stated as follows:—

"On 6-7-1974, at about 10.00 a.m. when I told the matter to the Accolliant, he took over the matter for compromise. Then, Sadashiva Shetty started shouting against me and scolding me by using insulting words. When I scolded him, he came and caught hold of my shirt collar and assaulted me by using hands. Then I also beat him, soon after, the other two persons Shri Sham Shetty and Srinath Reddy joined him and beat me severely. In the meanwhile, Sadashiva Shetty, took a wooden chair and assaulted me. Consequently, the same chair was broken. Then I used a godrej folding chair and just protected myself against beating with his chair, and actually I did not beat him on his head by using the chair. Accidentally, his chair might have caused minor head injury to him. All the two persons together made injuries on my head, arms, legs and I had severe chest-pain."

On going through the oral statement made by the employee Prabhakar Shetty before the enquiry officer, as recorded on pages 17 and 18 of Ex. M-5 and Exs. M-6 and M-7 (as marked by him the enquiry officer), I find that the enquiry officer did not commit any mistake while admitting the certificates and letters of the doctors as shown above.

22. From the record it appears that the management had issued a letter dated 12-11-1974 to the first party employee that the findings of the enquiry officer had been enclosed and if he had any representation to make regarding punishment, he should send the same. Ex. M-6 dated 21-11-1974 (Ex. M-6 as marked by this Tribunal) is a letter by the employee to the management and it is in response to the afore-said second show cause notice. In the said letter the employee has contended that he was not given full opportunity to examine his

witnesses. By a letter Ex. M-7 dated 29-11-1974, the management informed him that he was given further opportunity and he may examine his witnesses, on 7-12-1974 at their Hospet branch. Ex. M-8 dated 6-12-1974 is a letter by the enquiry officer to the employee Prabhakar Shetty that the matter had been postponed and the enquiry will be held on 17-12-1974. The first part of the enquiry proceedings of Ex. M-5 is at pages Nos. 1 to 19, held on 9-10-1974. On that day MW-1 Sadashiva Shetty MW-2 Srinath, MW-3 Suryanarayan Shetty, MW-4 K. B. Poovaiah, and MW-5 T. V. Balakrishna have been examined. Based on the proceedings of pages 1 to 19 of Ex. M-5 and the documents marked on that day as Ex. M-3, M-4A, M-4B, M-5, M-6 and M-7, the enquiry officer gave his first report containing findings as per Ex. M-4, dated 12-11-1974. Since the management gave further opportunity to the employee to examine his witnesses, the enquiry officer has further recorded the proceedings. In the second part of Ex. M-5 the evidence is at pages 1 to 13. The second part of Ex. M-5 is recorded on 17-12-1974. The first witness examined by the employees is DW-1 V. C. Navada. His evidence is on the point that on 6-7-1974, he had gone to a certain saw mill, which is near the Bank, and when he was returning he heard some row, and then he saw that the employee Prabhakar Shetty, and two others were fighting with chairs. He then states that Sadashiva Shetty assaulted Prabhakar Shetty with a chair and that Prabhakar Shetty held a chair horizontally in order to avoid the blows. He then adds that there was very much of noise and thinking as to why he should interfere in the matter he went away. The other part of his evidence is hear-say testimony. On page 7, in the cross-examination DW-1 Navada admits that he does not know as to who were the other 3 or 4 persons. He further states that at that time, the shutters of the bank were closed. The second witness examined by the first party employee is DW-2 Rajgopal Holla. His evidence commences from page 9 of the second part of Ex. M-5. He has stated that on 6-7-1974 at about 10.00 a.m. when he was passing through that road, he heard some galata in the premises of the bank and he further saw that Prabhakar Shetty and Sadashiva Shetty were fighting with chairs and after that he went for his work. He further explains that he did not understand as to who was beating whom. In the cross-examination he states that they were fighting inside the counter, and he does not know when the galata had started. He further states that Prabhakar Shetty had in his hand Godrej steel chair and Sadashiva Shetty a wooden chair, and that before the galata ceased he had left the place. The third witness examined by the employee is DW-3 G. K. Lakshmappa. He has stated that on that day at 7.15 a.m. or 7.30 a.m. he was going on his bicycle and saw a large number of people near the house of one Siddekowda and being curious, got down from the bicycle and went inside the house and saw that Prabhakar Shetty and three others were fighting with each other. He further states that three others were beating Prabhakar Shetty. He then adds that on seeing the same he went away, when many persons were still there. The evidence of DW-3 Lakshmappa is only on the point that there was some incident in that house on that morning. The fourth witness examined by the employee, Prabhakar Shetty is DW-4 Krishnachari. His evidence is also on the point that 7.30 a.m. on 6-7-1974 he saw that 2 or 3 persons were together beating Prabhakar Shetty, and he could see the same through a window. He then states that the said others, then stopped beating and went outside the house. In his letter dated 17-12-1974 marked as Ex. M-9 (as marked by the enquiry officer as Ex. D-1), the employee had represented to the management that he wanted to examine DW-1 Navada and DW-4 Krishnachari and wanted to produce medical certificate dated 7-12-1974. The enquiry officer has marked the certificate of Prabhakar Shetty as Ex. D-2. The certificate is dated 7-12-1974 and it shows that Prabhakar Shetty had presented himself before the medical officer at 2.00 p.m. 6-10-1974 and the doctor found three contusions and that they were caused by hard and blunt object.

23. The learned counsel for the first party contended that after the second part of the evidence was recorded and received, the enquiry officer ought to have gone through the whole of the evidence and should have submitted a

new report and that his report in continuation of the same old report dated 12-11-1974, Ex. M-11 is not at all in accordance with the principles of natural justice and thus the first party workman has been prejudiced. The procedure followed by the enquiry officer in giving a supplementary report of his findings may not be strictly in accordance with the provisions relating to judgments, as could be found in the codes of criminal procedure or civil procedure, but the scrutiny that is required to be made by this Tribunal is whether the findings are supported by oral and documentary evidence and sustainable.

24. The evidence of DW-2 Rajgopal Holla obviously does not support the case of the employee Prabhakar Shetty. On the contrary it supports the case of the management, in as much as he has stated that Prabhakar Shetty and Sadashiva Shetty were fighting with chairs and that Prabhakar Shetty had a Godrej steel chair whereas Sadashiva Shetty had wooden one and this is exactly the case of the management. The evidence of DW-1 V. C. Navada that Sadashiva Shetty and two others were beating Prabhakar Shetty with chairs is not at all the case of the employee Prabhakar Shetty. Secondly, his evidence that after seeing the incident for 5 minutes, he went away, obviously suggests that he did not try to separate them and the said conduct appears to be unnatural. The evidence of DW-3 Lakshmappa and DW-4 Krishna Achar about the incident of 7.30 a.m. in the house only suggests that there was some incident in the morning and there was some motive for Prabhakar Shetty and Sadashiva Shetty to quarrel with each other at bank premises at 10.30 a.m. The evidence of DW-3 and DW-4 is a double edge weapon and it cuts both ways.

25. The case pleaded by the employee Prabhakar Shetty as per his statement recorded on page 17 of the first party of Ex. M-5 and as made out in his letters Ex. M-6 and M-7 (as marked by the enquiry officer) or, his case as made out from the evidence of DW-1, DW-2 and the medical certificate Ex. D-2, does not prove that there was no incident at all in the bank premises at 10.30 a.m. On the other hand, it proves that there was some incident of fighting in the bank premises on 6-7-74 at 10.30 a.m. The contention of the learned counsel for the first party that the medical certificates have been wrongly admitted in evidence has no force, since it is the very case of the employee Prabhakar Shetty that there was that quarrel and fighting and he had also sustained injuries. The learned counsel for the first party contended that the enquiry officer should not have taken into account the blood stained clothes of MW-1 Sadashiva Shetty. The manager of the Bank MW-5 Balakrishna has stated that he had kept the blood stained shirt of Sadashiva Shetty in safe custody. It cannot be said that the enquiry officer had received extraneous evidence.

26. The learned counsel for the first party contended that the previous statements of the witnesses recorded by MW-4 Poovaiah were not supplied to the employee and therefore the findings of the enquiry officer cannot be accepted. He has placed before me the authority of *Kesoram Cotton Mills Limited v. Gangadhar and others* (AIR 1964 Supreme Court page 708). The authority is on the point that if the prepared statement of witnesses are read over and if the workman was asked to cross-examine the witnesses, then it can be said that the rules of natural justice have not been complied with. Regarding the point whether the domestic enquiry is in accordance with principles of natural justice or not, there is already a finding and the first party cannot be permitted to re-agitate the same point. However, I find that the contention does not hold water, since the previous statement of no such witness has been admitted in evidence. MW-4 Poovaiah has been examined in regard to the third charge and he has produced his preliminary investigation report. No statement or report has been admitted by the enquiry officer in evidence, without the examination of concerned witness. The authority is of no avail.

27. The learned counsel for the first party placed reliance on the case of *Jhardah and Company Limited v. the workmen* (AIR 1964 Supreme Court page 719). The authority is on the point that care must be taken to see that the domestic enquiries are not reduced to empty formality. In the reported case the manager had not at all recorded findings after

holding the enquiry. In the case at hand the enquiry officer has given his supplementary report and it is not a case where no findings are recorded. From the evidence as analysed above it is obvious that the findings of the enquiry officer cannot be termed as perverse, in the sense that no prudent person could have arrived at such findings.

28. The learned counsel for the first party then cited the case of *Rajinder Kumar Kindra v/s. Delhi Administration Secretary (Labour)* and others (1984) 4 Supreme Court page 635 and *Central Bank of India v/s. Prakash Chand Jain* (AIR 1969 Supreme Court page 983). The authorities lays down a principle that the findings can be called as perverse if they are based on no legal evidence. I have followed the principles laid down in these authorities in examining the question whether the findings are perverse.

29. The learned counsel for the first party contended that the investigation report is contrary to the charge sheet and that the charge sheet was vague and thus the workman was prejudiced. The enquiry officer has marked the report of MW-4 Povaiah as Ex. M-5. On page 2 of Ex. M-5 (as marked by the enquiry officer) the investigating officer has stated that all the efforts of the officer and members of the staff to stop their fighting had failed and Prabhakar Shetty stopped beating Sadashiva Shetty only when he saw blood coming out from his head. The charge sheet need not contain all the details. Charge No. 1 briefly states that Prabhakar Shetty had picked up the quarrel and assaulted Sadashiva Shetty with godrej steel folding chair and injury was caused on his head. There is no inconsistency between Ex. M-5 as marked by the enquiry officer and the first charge of the charge sheet.

10. The learned counsel for the first party contended that Ex. M-14 does not show that the management had been taken into consideration the past record of the employee and even otherwise the order Ex. M-14 cannot be sustained and that the dismissal is not for mis-conduct, but for loss of confidence which was not one of the charges against him. The proceeding leading to dismissal, Ex. M-14 shows that the management had taken into account the report of the enquiry officer and that after giving opportunities to the employee the domestic enquiry had been concluded and that the chairman of the second party had carefully considered the evidence on record and gravity of the charge and he has observed that Prabhakar Shetty cannot be continued to have their confidence and that he should be dismissed from service for mis-conduct. The proceeding Ex. M-14 means that for the charges levelled against him in the charge sheet dated 6-8-1974, the domestic enquiry had been held against him and on careful consideration of the findings of the enquiry officer the management had accepted the findings and found that he should be dismissed from service for his mis-conduct. A passing remark that he does not deserve to have the confidence of the management any longer, does not mean that his services have been terminated for loss of confidence.

31. On going through the evidence on record, I find that the findings of the enquiry officer cannot be challenged as perverse. I further find that taking into account the gravity of the misconduct, the management was justified in dismissing him and that it is not a fit case to invoke the provisions the section 11A of the Industrial Disputes Act

32. In the result, an award is hereby passed to the effect that the management of Vijaya Bank was justified in dismissing Sri. V. Prabhakar Shetty, clerk from their service with effect from 22-2-75 and that he is not entitled to get any relief. (Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-12012/54/85-D.II(A)]

के पंचाट का प्रमाणित करती है जो केन्द्रीय सरकार का 8-2-88 को प्राप्त हुआ था।

S.O. 636.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the Punjab & Sind Bank and their workmen, which was received by the Central Government on the 8th February, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

ID No. 1/85

In the matter of dispute between :

Shri Amar Nath Kataria C/o All India Punjab & Sind Bank
Sub-ordinate Karamchahi Union, 5327, Shora Kothi,
Paharganj, New Delhi-55.

Versus

The Deputy General Manager,
Punjab & Sind Bank,
C-14/16, Connaught Place,
New Delhi-110001.

APPEARANCES :

Shri K. K. Sharma—for the workman.

Dr. Anand Prakash with Sh. Sameer Parkash—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/3/84-D.IV(A) dated 20th December, 1984 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab & Sind Bank, New Delhi in terminating the services of Shri Amar Nath Kataria, Peon/Chowkidar with effect from 15-9-83 is justified ? If not, to what relief is the workman concerned entitled ?"

2. Some of the uncontroverted facts are that the workman Shri Amar Nath Kataria is an Ex-serviceman and on being sponsored by the Directorate General of Resettlement and Employment, New Delhi, he was taken into the service, as Peon/Chowkidar/Armed Guard of Punjab & Sind Bank, New Delhi (hereinafter referred to as the Management) vide an appointment letter dated 11-12-82 (Ex. M2/W1) and he joined duty on 16-12-82 vide letter dated 15-6-83 his probation period was extended by 3 months and thus raising the probation period from six months as mentioned in Ex. M2 (W-2) to 9 months. The services of the workman were terminated vide letter dated 15-9-83 (Ex. W-4).

3. The case of the workman is that the action of the Management in extending his period of probation by 3 months was arbitrary and without any justification because the period of probation prescribed in the letter of his appointment was six months on the completion of which he was to be confirmed in the bank service and there was no condition of extension of the probationary period. He has alleged that during the whole of his period of service with the bank his work and conduct was outstanding and his termination was arbitrary, illegal, unfair and unjustified as no specific deficiency was pointed out to him. According to him the main reason for his termination was that he was an active member of the Union which was not liked by the Management and in order to weaken the Union the Management victimised him. It was further stated that the Management itself had stated in the termination order that this was neither a case of termination of service nor termination of service by way of surplus staff and, therefore, his case fell in the remaining third category, which can be termed as punishment and in that event there

का था. 636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब और सिंध बैंक के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली

should have been a charge sheet and enquiry and he should have been given opportunity to defend himself. Hence it is contended that his termination of service is illegal and void and he may be reinstated with full back wages and continuity of service.

4. The Management has justified its action on the grounds that the extension of period of probation and subsequent non-confirmation of the services of the workman was well within the parameters of the law and the terms and conditions of the appointment letter dated 11-12-82. It was further submitted that the performance of the workman was not found to be satisfactory and he was given another chance to improve his performance and because of his failure to do so his services were not confirmed and he was relieved from the job and hence there was no question of any misconduct and indiscipline or moral turpitude involved and here was no reason to charge sheet him and hold any enquiry. It was further stated that as the workman had not completed 12 calendar months of service nor completed 240 actual working days but in view of the ambiguity in the law, the Management had paid him compensation and notice pay by ways of abundant caution without any admission that this was a case of retrenchment. It was also pointed out that the workman had taken a loan of Rs. 5000 from the bank as its Faridkot branch for opening a Kiriyana shop and, therefore, the contention of the workman that he was unemployed since he was relieved of service was disputed.

5. The first point that arises for consideration is whether the Management's action in extending the probation period of the workman to 9 months was justified. The letter of appointment dated 11-12-82 (Ex. M2/W1) constitutes a binding contract between the parties and the relevant para reads as under :

"You will be on probation for a period of six months and during your probationary period, your services can be terminated at any time without assigning any reasons. After probationary period, you will be confirmed in bank service subject to satisfactory report about your work. After confirmation, you will be eligible for contribution to Bank's Provident Fund and other benefits available to Bank's permanent employees."

6. It is apparent that the period of probation of the workman was confined to six months only and it is during that period that his services could be terminated at any time without assigning any reason and after the said probationary period his services were to be confirmed subject to satisfactory report about his work. There is no provision at all in this contract for the extension of the probation period, and, therefore, the action of the Management in extending the period of probation from six months as provided in the ap-

pointment letter to 9 months vide letter dated 15-6-83 Ex. W-2 is arbitrary and unwarranted by the terms of contract. In this regard the proviso to section 25-J(1) of the I.D. Act, 1947 is relied upon and for facility of reference is reproduced below :

"Provided that where under the provisions of any other Act or rules, orders or notifications issued thereunder or under any standing orders or under any award, contract of service or otherwise, a workman is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the workman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he received benefits in respect of other matters under this Act."

In this view of the matter the contention of the Management that the services of the workman, were terminated at the end of the probationary period for unsatisfactory performance and that it was neither a case of termination of services nor that of retrenchment is repelled because the period of probation should not have been extended beyond six months as provided for in the letter of appointment and, therefore, the termination of the service of the workman tantamounts to retrenchment and although the Management had complied with the provisions of section 25-F of the I.D. Act yet the workman would be entitled to the protection of Sections 25-G and 25-H of the I.D. Act and it is admitted by the Management itself that persons junior to the workman were retained in service and it is not its case that any offer was made to the workman when fresh recruitment was resorted to. Hence there is a clear violation of sections 25-G and H of the I.D. Act, in the case of the present workman.

7. Even if the contention of the Management that the service of the workman were terminated at the end of the probationary period is accepted for sake of arguments the action of the Management is tainted with malafides and is not bona fide as shall be shown presently. The Management has placed reliance on three Confidential Reports dated 13-5-83 (Ex. M1/1), dated 17-6-83 Ex. M-7 and dated 10-9-83 Ex. M-3. The frequency of recording these Confidential Reports and the casual manner in which these have been recorded betray the malafide of the Management and go to show that inspired reports were given or taken in order that the termination of the services of the workman could be justified. In the first instance it may be asked as to under what provision three Confidential Reports were recorded/obtained for the short period of 9 months service of the workman. Now the observations in respect of the workman in the three reports are given below on various topics in a Tabular Form.

Sl. No.	Dt. 13-5-83 Ex. M1/1	Dt. 17-6-83 Ex. M-7	Dt. 10-9-83 Ex. M-3
8. Leave availed of without pay since the date of joining	No	No	He remained on leave at our br. on 4, 5 & 6-7-83.
9. Is he punctual in attendance.	Yes	Yes	-
10. Does he take leave frequently	No	Yes	-
11. Has his leave always been on genuine grounds?	Yes	-	-
12. Is he prone to be absent from work or to overstay without prior permission?	No	No	-
14. Appearance & Dress	Good	Good	Average
(b) Manners	Below Average	Below average	Below average
(c) Health	Good	Good	Average
(d) Standard of Handwriting	Average	Average	Below Average
(e) Conduct & Behaviour with staff	Below Average	Below Average	-do-

1	2	3	4
(f) Punctuality & Regularity	Average	Average	Average
(g) Job knowledge & Intelligence	Average	-do-	Below Average
(h) Initiative	Average	-do-	-do-
(i) Team spirit in office	-do-	-do-	-do-
(j) Enthusiasm & Devotion to duty	-do-	-do-	-do-
(k) Reliability	Below average	Below average	-do-
(l) Quality of work done	Average	Average	-do-
(m) Out turn of work	-do-	-do-	-do-
(n) Loyalty	Below Average	Below Average	-do-
General remarks	He is not fit for the post of gun man for currency chest.	He has not improved himself so he may not be taken in regular service.	Below Average Don't satisfy his service.
Comments of ADM/Regional Manager	In view of his performance appraisal by Sr. Manager we recommend that he may not be continued in bank service.	We endorse the views of the Sr. Manager-in-charge of Cash Deptt.	

The report dated 10-9-83 been filled up in a hurried manner. Most of the columns have been left blank. The qualities in the third report show a steep decline in performance as compared to the earlier two reports. Many of the columns in the third report have not even been written and does not have the comments of ADM/Regional Manager which go to show the casual manner in which it has been filled up. Again in the first report the workman has been shown to have not availed of any leave without pay and was punctual in attendance and had not been taking leave frequently and his leave has always been on genuine grounds. However, in the second report dated 17-6-83 i.e. after short interval of about one month although it has been recorded that he had not taken any leave without pay since the date of appointment yet in the column No. 10 it has been recorded that he takes leave frequently. Now this retardation in such a short period is unexplained and it appears to have been recorded under inspiration. WW2 Shri Jagir Singh, General Secretary of the All India Punjab & Sind Bank Karamchahi Union has stated that the workman became a member of the union on 10-1-83 and although he was ordinary member yet he was an active member. He further stated that the workman had orally reported to him that he was being harassed by the Management. MW3 Shri M. L. Bhadwaj Regional Manager of the Bank has stated that he cannot on his own knowledge refute the suggestion that the workman was active member of Union. It is to be kept in mind that the workman is an Ex-serviceman with 24 years service in the Army and the defects recorded in the third C. R. are normally not to be expected in an Ex-serviceman of such a long service. Further the allegation of the Management that the workman had taken a loan of Rs. 50.00 from its Faridkot Branch for opening a Kirvana Shop and meaning thereby that the workman was gainfully employed goes to show the extent to which the Management could go in building up prejudice against the workman because as per the suggestion put to the workman by the Management itself the said loan had been taken by him in the year 1981 i.e. before even he joined the service of the bank. The workman has stated that he tried to run a shop but he failed and that appears to be reason for joining the service of the bank as Peon, Chowkidar/gunman. Again MW1 Shri H. S. Pardesi, Senior Manager who is author of 1st and 2nd Confidential Reports has stated that the workman was not retrenched due to surplus age but due to his misconduct. This statement of the witness gives credence to the allegation of the workman that his termination was motivated and it was not bonafide. Here it may be observed that if the termination of the workman was on account of misconduct as stated by MW1 Shri H. S. Pardesi, there ought to have been charge sheet and enquiry. Taking an overall view of the facts and circumstances of this case I am of the opinion that the services of the workman have

been terminated due to extraneous reasons and it is not bona fide exercise of the powers conferred by the contract.

8. In view of the discussion made above it is held that the order of termination of the services of the workman is mala fide and unreasonable and having been passed with ulterior motives and hence is not justified. It is, therefore, directed that the workman shall be reinstated with continuity of service and with full back wages.

25th January, 1988.

Sd/-

G. S. KAIRA, Presiding Officer

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end

25th January, 1988.

G. S. KAIRA, Presiding Officer

[N. L-12012/3/84-D.IV(A)]

नई दिल्ली 22 फरवरी, 1988

का. नं. 637—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेटल बैंक ऑफ इंडिया के प्रबंधन में सम्बद्ध नियोक्ताओं और उनके कर्मचारों के बीच प्रत्यक्ष में निर्धारित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीकरण, नई दिल्ली के सचिव को प्रकाशित करने के लिए केन्द्रीय सरकार की 11-2-88 का प्रावण हुआ था।

New Delhi, the 22nd February, 1988

S.O. 637. In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 11th February, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA : PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
NEW DELHI
I. D. No. 21/80

In the matter of dispute between :

Shri N. K. Bansal, K/B-79, New Kavi Nagar, Ghaziabad,

Versus

The Zonal Manager, Central Bank of India, Jank House,
Bahadur Shah Zafar Marg, New Delhi

APPEARANCES :

Shri Arjun Sikri for the workman.

Shri D. D. Kapoor for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/32/79-D.II(A) dated 7th April, 1980 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India, New Delhi in terminating the services of Shri N. K. Bansal, Assistant Cashier-cum-Godown Keeper in Shahdara Branch of the said Bank with effect from 27-7-1972 is justified ? If not, to what relief is the workman concerned entitled?"

2. Shri Naresh Kumar Bansal (hereinafter referred to as the workman) alongwith 7 other persons were appointed as Cashier-cum-Godown Keepers on temporary basis in the various branches of the Central Bank of India, New Delhi (hereinafter referred to as the Management) some time in March/April, 1972 and they served the Management for various branches of the Central Bank of India, New Delhi 26-7-1972. All those 8 persons including the workman through the General Secretary, Central Bank Employees Union raised an industrial dispute before the Central Government Industrial Tribunal being registered as CGIT case No. 12 of 1975. Subsequently the case was transferred to this Tribunal and was renumbered as I.D. No. 58/1977. The terms of reference in the said dispute were as under :

"Whether the management of Central Bank of India were justified in terminating the services of Savva-shri Vijender Kumar Jain, Narender Kumar Jain, Sher Singh Jain, Satish Chand Jain, Rajinder Prakash, N. L. Bansal, Jagmohan Jain and Kaushal Kishore Gupta, Assistant Cashier-cum-Godown Keepers with effect from the 26th July, 1972 ? If not, to what relief are these workmen entitled to ?"

The parties arrived at a settlement whereby the Management agreed to take back in service 4 out of these affected persons namely S/Shri Vijender Kumar Jain, Satish Chand Jain, Narender Kumar Jain and Sher Singh Jain and the Union did not press the claim of the remaining persons namely S/Shri N. K. Bansal (workman), Jagmohan Jain, Rajender Prakash, and Kaushal Kishore. My predecessor Shri Mahesh Chandra recorded the statements of the parties and gave a "no dispute" award dated 29-12-1977. Thereafter the workman N. K. Bansal and Jagmohan Jain filed an application dated 14-2-1978 registered as LCA No. 36/1978 for restoration of the proceedings in the said dispute and to hear and adjudicate upon the dispute in so far as it related to applicants on the allegations that the said settlement had been arrived at collusion between the Union and the Management to favour the four persons who were taken into service and that the applicants were not a party to the said settlement and they were also not aware of the proceedings before the Tribunal. In the said LCA 36/78, later on, an application was moved for amendment for substituting the name "N. L. Bansal" in place of "N. K. Bansal" and some other amendments and my predecessor Sh. Mahesh Chandra dismissed the application for amendment as also the

application itself vide his order dated 26-2-79 which reads as under :

"Shri R. N. Tyagi for the workmen.

None is present for the Bank. In this case an application has been filed for amendment of the statement of claim. At this stage Shri S. S. Sethi has appeared for the Bank. In this case a reference was made by the appropriate Government vide order No. L-12012/35/73/IRI dated 2nd April, 1975 in respect of workmen including one Shri N. L. Bansal. The said reference was in course of time transferred to this Tribunal in May, 1977 and, thereafter, some settlement was stated to have been arrived at between the union representing the workmen and the Bank. In consequence an award in terms of settlement was made by this Tribunal on 29th December, 1977;

Now this application for amendment of award has been made by one Mr. N. K. Bansal in an application challenging the main award. From the perusal of the order of reference and the award, I find that there is no apparent conflict as to the particulars of workmen but Shri R. N. Tyagi, the representative of the workman submits that in fact that the mistake as to the name of Shri N. K. Bansal had crept in the order of reference.

In so far as this award is in consonance with the order of reference, I do not think this application by Shri N. K. Bansal is at all maintainable and as such fails on this short ground as he was not a party in the reference. In consequences the application for amendment of the application also fails and both are dismissed.

It shall be open to Shri N. K. Bansal to seek his remedy at appropriate level.

Announced.

Sd/- I.T.

26-2-77

3. With due respect to my learned predecessor I am not in agreement with the said order passed by my predecessor in so far as it related to his observation that the workman Mr. N. K. Bansal was not a party to the reference. As I can see, there was a typographical error in the order of reference of the Ministry of Labour No. L-12012/35/73-LR-III dated 2-4-1975 wherein the name of the workman was given as N. L. Bansal instead of N. K. Bansal. This very mistake got reflected in the award dated 29-12-77 of this Tribunal and rightly so, because the mistake did not come to the notice of the Presiding Officer. However, there is no doubt whatsoever that the order of reference as well as the award related to the workman also. In the first instance there is no dispute that the workman N. K. Bansal was one of the persons out of 8 workmen who had raised the industrial dispute which resulted in the reference being made. Secondly, in the statement of claim filed on behalf of the workman also, the name was clearly spelled out as N. K. Bansal. The Management also had no doubt about the identity of the person and had in its written statement as well as evidence produced in I.D. No. 58/77 take the reference as pertaining to the 8 persons including the workman Shri N. K. Bansal. The right thing to do was to advise the workman to get the error in the order of reference corrected and then apply for the correction of the award whereafter his application for re-opening the case could be considered and in that event application for amendment of the application LCA 36/1978 would have become redundant. However no damage has been done nor any prejudice caused to the workman as a result of the said order dated 26-2-79 of my predecessor, because the matter already stands reopened with the fresh reference having been made by the Government. However, it cannot be said that the previous reference and the award in I.D. No. 98/77 did not pertain to the workman. I hold that the said order of reference and the award in I.D. No. 58/77 does pertain to the workman also.

4. Now it is to be seen as to what is the effect of the settlement and the award passed on the said settlement in I. D. No. 58/77 on the claim of the workman in the present

reference. The terms of settlement as embodied in the document of settlement dated 1-6-77 read as under :

Terms of Settlement :—

1. That it is agreed between the parties that out of the 8 workmen concerned in the dispute whose services were terminated in July, 1972 the Management will appoint the four of these workmen, namely S/Shri Vijender Kumar Jain, Satish Chand Jain, Narendar Kumar Jain, Sher Singh Jain as Asstt. Cashier cum Godown Keepers in Delhi.
2. That the four workmen named above will be appointed in the service of the Bank in the future vacancies in the Cash Deptt. as and when arising at the discretion of the Management.
3. That the Union agrees not to press the cases of termination of the services of the remaining four workmen, namely S/Shri Kaushal Kumar Gupta, Naresh Kumar Bansal, Rajendra Prakash and Jagmohan Jain, since now there subsists no industrial dispute in respect of termination of captioned workmen.
4. That with this settlement, there now exists no dispute between the parties in the matter".

It is not disputed by the workman that the above settlement was actually arrived at between the Central Bank Employees Union and the Management. In fact Shri Tara Chand Gupta General Secretary of the Union, in his reply to the application of the workman in LCA No. 36/78, reiterated that the settlement was arrived at in good faith but the union did not press the cases of the four persons including the workman in view of the refusal of the Management to settle these cases and also because the Union had information that these four persons were no longer interested in the banks job. There is no rebuttal to this statement of Shri Tara Chand Gupta, General Secretary of the Union. There is no evidence nor any averment by the workman that he was not a member of the said union. On the other hand the dispute was raised on behalf of the workman by the Union and was pursued before the Tribunal by the Union till the "no dispute" award was given and till that moment the workman had never raised a finger that the Union did not represent him. Even in the application in LCA No. 36 of 1978, it was nowhere mentioned that the workman was not a member of the said Union. It is only in the application for amendment dated 31-1-79, that for the first time it was contended that the workman was neither a member of the Union nor authorised the secretary of the said union to represent his case. Had the application LCA No. 36/78, as also the amendment application, not been dismissed on the technical ground of the workman N. K. Bansal being not a party to the reference and the award, as the name N. K. Bansal was mentioned in the order of reference and the award, this application for amendment would surely have been rejected, as it amounted to changing the entire complexion of the application LCA 36/78 in which there was no allegation that the workman was not member of the union or that the secretary of the union had no authority to represent him. Rather the averments in the application LCA 36/78 clearly go to show that the workmen were the members of the Union and the General Secretary of the Union was representing them. As an example the following averments of the workman in LCA 36/78 are reproduced below :—

"3. That after the transfer of the above dispute to this Hon'ble Tribunal in or about the middle of the year 1977, no date was fixed for any formal proceedings and the applicants herein were advised by the General Secretary of Opposite Party No. 2, who was representing the applicants alongwith other 6 workmen in the matter before this Tribunal that direct negotiations between the opposite parties No. 1 and 2 had been going on for an amicable settlement of the dispute in respect of all the 8 concerned workmen.

4. That the applicants were, however, never taken into confidence or apprised of the proceedings or the outcome of the alleged mutual negotiations,

if any, between the opposite parties No. 1 and 2, except being assured from time to time that whatever settlement, if any, was reached would take care of the interests of all the 8 concerned workmen, including the applicants as the cases of the 8 concerned workmen were identical in nature

5. That resting on the aforesaid assurance of the opposite party No. 2, the applicants did not find it necessary to personally appear before the Hon'ble Tribunal and were thus not aware of the actual proceedings going on before the Tribunal."

5. The above averments of the workmen leave no room for doubt that he was the member of the Union and was represented by the Union before this Tribunal and he was very well aware of the proceedings going on. In that event the workman was bound by any settlement arrived at between the Union and the Management and there would have been no question of re-opening of the dispute. There would also have been no question of allowing the amendment to the application LCA No. 36/78. Hence both the application LCA No. 36 of 1978 and the application for amendment are hereby rejected as without any merit. Section 18(1) of I. D. Act clearly lays down that a settlement arrived at by agreement between the employer and the workman otherwise than in the cause of conciliation proceedings shall be binding on the parties to the agreement. As the settlement dated 1-6-77 was arrived at otherwise than in the course of conciliation proceedings it is binding on the parties. Further, as the settlement was followed by an award of this Tribunal it is binding on the parties by virtue of sub-section 3 of section 18 of the I. D. Act also. In the authority cited as Life Insurance Corp. of India and B. J. Bahadur and others, and Chandrasekhar Bose and others Vs. Union of India and others 1981(1) LJJ 197 Supreme Court of India, it was held as under :

"Held. The award or settlement, under the I. D. Act, replaces the earlier contract of service and is given plenary effect as between the parties. It is not a case of earlier contract being kept under suspended animation, but suffering supersession. Once the earlier contract is extinguished and fresh conditions of service are created by the award or the settlement, the inevitable consequence is that even though the period of operation and the span of binding force expires, on the notice to terminate the contract being given, the said contract continues to govern the relations between the parties until a new agreement by way of settlement or statutory contract by the force of an award takes its place. If notice had not been given the door for raising an industrial dispute and fresh conditions of service would not have been legally open, with action under Ss. 9A, 19(2) or (6) the door is ajar for disputes being raised and resolved. This in short is the legal effect, not the lethal effect of invitation to industrial trial of strength with no contract of service or reversion to an obsolete and long and "dead contract of service."

6. In the light of the foregoing discussion there was no scope for any further dispute regarding four persons, including the workman, whose claims were not pressed in the binding settlement between the parties and the dispute stood resolved finally.

7. Even on merits, the workman has got no case. It is not the case of the workman that he had completed one years continuous service in terms of section 25-B of the I.D. Act and had sailed into the protection of section 25F of the I. D. Act. The statement of working days put in by the management placed in the file of I.D. No. 58 of 1977 shows that the workman had put in altogether 114 days. Therefore, the provisions of section 25F of the I. D. Act are not applicable to him. The provisions of section 25-F and 25-H are not mandatory in nature and are subject to just exceptions. It is the case of the management that before being absorbed in the bank service it was essential for the workman to qualify in the written test and the subsequent interview and that it was so indicated

in the letter at the time of appointment of the workman. Although the letter of appointment of the workman is not forthcoming yet the indication to this effect is available on the letter Ex. M-2 dated 12-4-72. It is further contention of the Management that the workman in fact appeared in a written test but failed to qualify. Ex. M3 is the letter dated 4-2-70 whereby the workman was asked to appear in the written test. Now the workman himself in his statement as WW1 admitted that he had appeared in a test before 1972 but had failed to qualify. He also admitted that the qualifying minimum marks for staff son or daughter were 25% and he had secured less than 25% marks. Documents Ex. M3, M4 and M5 are admitted to be relating to the test held in February, 1970 in which the workman failed. The Management has placed on record document Ex. M-6 dated 19-7-72 addressed by the Zonal Manager to the Branch Agent Shahdara which further indicates that the workman had failed to qualify in the written test in the year 1972 also and for this reason his services were dispensed with. Therefore, the protection of section 250 and 25-H cannot be extended to the workman who ever failed to get the minimum marks prescribed for the reserve category of employees etc.

8. An overall view of the entire facts and circumstances of the case gives the impression that the workman was not interested in the job and has raked up the dispute for pecuniary gain. The services of the workman had been dispensed with on 26-7-1972. The I. D. No. 12 of 1975 was registered on 10-4-75 and remained pending in the Industrial Tribunal Delhi and subsequently before this Tribunal till 29-12-77 when the "No Dispute" Award was given on the basis of the settlement but the workman want it to be believed that he did not know what were the proceedings going on before the Two Tribunals nor was he a member of the Union nor was he represented by the Union. This itself indicates that he was not interested in his reinstatement in service. As has already been observed, this contention of the workman is not correct and he was in fact member of the Union and was represented by the Union. In that event the statement of Shri Tara Chand General Secretary of the Union in his reply to the application LCA 36/78 that the case of the workman was not pressed because the Union had information that the four persons including the workman were no longer interested in the bank's job, becomes significant. It is also to be noted that the workman acquired the qualifications of B.A. LL.B. as admitted by him in his statement as WW1. Although the workman has denied the suggestion that he is registered as Advocate at Ghaziabad, in all probability, he is practicing as Advocate.

9. In view of the discussion made above even on merits the workman fails and the reference is answered against the workman.

G. S. KALRA, Presiding Officer

4th February, 1988.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer

4th February, 1988.

[No. L-12012/32/79-D.II(A)]

N. K. VERMA., Desk Officer

नई दिल्ली, 9 फरवरी, 1988

का. आ. 638 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुरुलीदीह कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन में सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या -1, धनबाद के पंचाट को पकाशित करती है, जो केन्द्रीय सरकार को 27 जनवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 9th February, 1988

S.O. 638.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Murulidih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 27th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 44 of 1983

PARTIES:

Employers in relation to the management of Murulidih Colliery of Messrs. Bharat Coking Coal Limited;

AND

Their Workmen.

PRESENT:

Shri S. K. Mitra, Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Workmen: Shri D. Mukherjee, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dated, the 11th January, 1988

AWARD

By Order No. L-20012(72)/83-D.II(A), dated, the 18th June, 1983, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:—

"Whether the demand of Shri Bindeshwari Das for reinstatement by the management of Murulidih Colliery, Area No. 2 of Messrs Bharat Coking Coal Ltd., Dhanbad is justified? If so, to what relief is the workman entitled?"

2. The case of the concerned workman, Bindeshwari Das, as appearing from the written statement submitted by the Zonal Secretary, Area No. II, of Colliery Mazdoor Sabha of India, the sponsoring union is as follows:

Bindeshwari Das, the concerned workman was originally appointed permanent miner/loader in Murulidih Colliery by the erstwhile employer. He fell victim to occupational disease of T.B. after rendering continuous service as underground miner/loader. Consequent upon his illness, he was referred to the Central Hospital, Dhanbad, for treatment by the management. He remained under the treatment of the Central Hospital, Dhanbad, from 1969. In the statutory Form B Register his name appears in serial no. 61 and his provident fund amounts were used to be deducted from his wages. However, after long and protected treatment, he regained strength for resuming duty and so the doctor of the Central Hospital, Dhanbad, issued him a certificate of fitness recommending light duty. He reported for duty as per recommendation of the doctor, but the management asked him to get certificate of fitness from the Medical Officer of Murulidih Colliery instead of allowing him to resume duties. He reported to the Medical Officer, Murulidih Colliery and the Medical Officer, after examining him, issued him a certificate of fitness with recommendation for light duty. He came to know from

reliable source that some fictitious person was appointed as his dependant. He reported the matter to the union, where upon the union, apprehending the nasty involvement of the management in the matter, decided to raise industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad, who was Conciliation Officer. The Conciliation proceeding, however, ended in failure due to the adamant attitude of the management, but the Government of India, being satisfied with the demand of the workman, referred the dispute for adjudication before this Tribunal. The union has submitted that the action of the management in denying employment to the concerned workman was illegal, arbitrary and unjustified and against the principle of natural justice and law. The action of the management in denying reinstatement of the concerned workman was also cracks of anti-labour policy of the management. In the circumstances the union on behalf of the concerned workman has prayed for reinstatement in service of the concerned workman with full back wages.

3. In answer to the claim of the union for reinstatement in service of the concerned workman with full back wages, the management of M/s. B.C.C. Ltd., have stated in this written statement as follows:

The present reference is not legally maintainable. That apart, there existed no employer-employee relationship between the management of M/s. B.C.C. Ltd. and the concerned workman at any time. The concerned workman is making an attempt to enter into the service of the management by unfair means with the aid of the sponsoring union. The management of Murulidih Colliery was taken over by the Central Government with effect from 17-10-1971 and the said colliery was nationalised with effect from 1-5-1972. The name of the concerned workman was not on the roll of the colliery on the appointed day. There was no reason for the management not to allow him to continue in the employment, if he was in the colliery service during the relevant period. The claim of the concerned workman for reinstatement in service 11 years after the nationalisation of the colliery is an exercise in gambling in litigation. At the time of conciliation proceeding the concerned workman as well as the union failed to produce any document indicating his employment at Murulidih Colliery at any time during the period under private management. The concerned workman was not a member of Coal Mines Provident Fund; his name was not in the Form B Register or any Bonus Register. As a matter of fact his name does not appear in any of the document of the colliery. He did not claim re-employment at the time of taken over of the management or at the time of nationalisation of collieries. He produced certain medical certificate of Central Hospital, Dhanbad, for his treatment for T.B. during the period 1-4-69 to 18-4-69. The management, after enquiry, ascertained that the certificate was a fake one. The concerned workman never produced any medical leave certificate or medical fitness certificate or any other document showing that he was on the roll of the colliery on the appointed day. In the circumstances the concerned workman is not entitled to any relief.

4. In the rejoinder to the written statement of the management the concerned workman has denied each and every allegation made by the management in its written statement and has asserted that his name was very much on the roll of the company on the appointed day though he was not physically present in the colliery due to his sickness. He has further asserted that after recovery from illness fully he reported for duty with medical certificate of fitness.

5. In the rejoinder to the written statement of the workman, the management have denied all the contentions of the workman as appearing in his written statement.

6. In support of his claim the concerned workman has examined himself and one witness who figures as W.W. 2 Bindu Muchi and introduced in evidence a mass of documents which have been marked Exs W-1 to W-5/1. The management, on the other hand have examined one witness who figures as M.W. 1 Nirodh Mohan Sarkar, posted as Bonus Clerk in Murulidih Colliery and laid in evidence a mass of documents which have been marked Exts. M-1 to M-3.

7. Sri D. Mukherjee, Advocate, appearing for the concerned workman has submitted that the concerned workman

was employed in the capacity of permanent minor/loader in Murulidih Colliery during the period when the collieries were under the private management and the concerned workman fell sick, being a victim of T.B., underwent treatment in the Central Hospital, Dhanbad, at the instance of the erstwhile management, recovered from illness, reported for duty, but was not allowed to join his duty by the present management of M/s. B.C.C.L. He has further submitted that the evidence on record unimpeachably establishes the fact that the concerned workman was an employee of the colliery under the private management and that being so, the present management of M/s. B.C.C. Ltd. has no right to deny employment to him. In support of his contention he has cited a decision reported in 15 SCIJ. 27.

8. Sri B. Joshi, Advocate, appearing for the management has contended that the documents submitted by the management before this Tribunal establishes the fact that the concerned workman was never in the employment of the colliery even during the period under private management. He has further contended that since there was no employer-employee relationship between the erstwhile owner and the concerned workman, the present management of M/s. B.C.C. Ltd. has got no obligation to give employment to the concerned workman on the basis of his claim that he was an employee under the present management. According to him, the claim of the concerned workman has got no merit and must founder on the ground.

9. The crux of the present dispute is whether the concerned workman was an employee of Murulidih Colliery under the private management before the colliery was taken over and subsequently nationalised by the Union of India. In view of the present reference, the onus is on the union or the concerned workman to prove that the concerned workman was an employee of Murulidih colliery under the private management.

10. There is no dispute that the management of all the coking coal mines including Murulidih Colliery was taken over by the Central Government with effect from 17-10-1971 by the Coking Coal Mines (Emergency—Provisions) Act, 1971 and all the coking coal mines including Murulidih Colliery was nationalised with effect from 1-5-1972 by Coking Coal Mines (Nationalisation) Act, 1972.

11. Bindeshwari Das, the concerned workman figures as W.W. 1. He has testified at length in support of his case. His statement is that he joined the service of Murulidih Colliery as underground loader in 1967 and that he used to work regularly for the colliery. He was sent to the Central Hospital, Dhanbad, by the management for treatment of consumption in 1969 and he underwent treatment there for 16 days for the first time. The doctors of the hospital recommended him light job, but the management declined him to engage him for light job on the plea that there was no scope for light job in the colliery. In the circumstance he was compelled to sit idle for two months and thereafter he was again referred by the management to the hospital for treatment for fresh onset of consumption. He underwent treatment in the hospital for six months and was advised to take medicine from colliery dispensary till recovery. In the meantime the colliery was nationalised and he pressed the new management for employment. The doctor of Murulidih Colliery declared him fit and with the certificate of the doctor he approached the management to give him employment. He personally presented himself for employment after nationalisation in 1975 since before that period he was taking medicine regularly. He approached the Manager, one Gupta Sahab for employment and the Manager asked him to see the Personnel Officer, which he did. But the Personnel Officer continued to put off the matter of employment on one pretext or another. In this way two years rolled by and lastly the management refused to give him employment on the pretext that his son had already been given employment. He emphatically stated that Gupta Sahab is still working in Bhatidih colliery and at the relevant time Kumar Sahab was the Personnel Officer and he has since been transferred to other colliery. Although both these officers appears to be in the employment of M/s. B.C.C. Ltd. the management has not examined them in order to deny or dispute the statement of the concerned workman. All that the management has suggested to the concerned workman is that he has come

up with a false case. But that does not absolve the management from examining the two officer mentioned above to deny or dispute the contention of the concerned workman. WW-2, Bindu Muchi has asserted that the concerned workman was a co-worker and he used to work with him 20 years hence. This statement of his firmly and squarely agrees with the testimony of the concerned workman that he joined the service of Murulidih colliery as underground loader in 1967. WW-2, Bindu Muchi has further stated that the concerned workman is no longer in the employment of the colliery. He has further stated that as a matter of fact he worked in the colliery for two years and then fell ill and was admitted to hospital. The witness has claimed to have seen the concerned workman coming to the office of the colliery. The statement made by this witness fairly agrees with the statement of the concerned workman regarding his joining the service of Murulidih colliery in 1967, his length of employment there and also his subsequent illness. It has not been suggested by the management that WW-2 Bindu Muchi was not in the employment of Murulidih Colliery before take over or nationalisation of the colliery or that he is not employed in the colliery even now.

12. The concerned workman has submitted a list of badli loaders of 19/19 incline dated 24-3-69 signed by Mr. Parek the then Manager of the colliery. Even MW-1, Nirodh Mohan Sarkar has had to admit that this list is signed by Mr. Parek. In Relay-A Sl. No. 5 the name of the concerned workman appears. The concerned workman has filed and proved a list of loaders of 12 Pit—1st shift Relay—signed by Mr. Parek dated 12-12-69, the then Manager of the colliery (Ext. W-5). His name appears in Sl. No. 40. He has filed and proved seniority list of No. 12 Pit Loaders—Relay—A—1st shift signed by Mr. Parek where his name appears in serial no. 47 (Ext. W-5/1). All these documents have been admitted by MW-1, Nirodh Mohan Sarkar to have been signed by Mr. Parek, the then Manager of the colliery. It has been suggested by the management that these documents are false one. But only suggestion or allegation is not enough the management should have proved its allegation by leading cogent evidence, in this case by examining Mr. Parek which they have not been done. In the circumstances I have no hesitation to hold that these documents are genuine and can be relied upon. From these documents it is established that he concerned workman was deployed for duty in Murulidih Colliery in 1/19 Incline as badli loader and that he was one of the loaders in 12 Pit and that in the seniority list his position was 47 in the 1st shift.

13. The concerned workman has filed application for leave for 7 days from 22-1-69 to 29-1-69 signed by the Manager (Ext. W-2). He has also produced the red card issued by Dr. Pandey of Central Hospital, Dhanbad, in support of his continued illness (Ext. W-3). In this red card the photograph of the concerned workman is attached with the seal of Murulidih Colliery and signature of the official concerned. He has also filed discharge certificate from the Central Hospital, Dhanbad, wherein it is stated that he underwent treatment from 1-4-69 to 15-4-69 and was recommended ten days light duty (Ext. W-4). It is the definite case of the management that on enquiry it was revealed that this certificate was a fake one. But the management have not examined any witness or produced any paper in support of their contention. That being so, I come to the conclusion that the management has failed to prove that this discharge certificate is a fake document. From all these evidence, both oral and documentary the irresistible conclusion is reached that the concerned workman was in the employment of Murulidih colliery as loader while the colliery was under the private management.

14. The management have endeavoured to whittle down this evidence by producing negative contra-evidence. Bonus Registers for the year 1968-69 (Ext. M-1 series), Form B Register (Ext. M-2 series), V&I Statement with regard to the Coal Mines Provident Fund for the period from January, 1968 to March, 1968 and April, 1968 to March, 1969 (Ext. M-3 series) have been produced by the management. In all these registers the name of the concerned workman does not appear. MW-1, Nirodh Mohan Sarkar stated as Bonus

He has admitted that the Form B Register is required to contain the name of the Manager. But the Form B register produced by the management contains neither the name of the Manager Mr. Parek nor his signature. Thus it is seen that this Form B Register is not a complete document. He has admitted in cross-examination that in the Bonus Register there is no specific mention of loaders as casual or badli and that earlier it was the rule to grant bonus to miners working underground if they had worked for a period of 54 days continuously. But he has also stated in cross-examination that later the rule was revised, but he does not remember the year when it was so revised enabling any workman to get bonus if he had worked for a single day in the colliery. He had admitted further that it may be that workman working for a single day may have got bonus after the take over of the management of the colliery by the Central Government. Thus the evidence of this witness for the management even discloses that the bonus register is not a complete reliable document to determine the question whether the concerned workman was in the employment of the colliery while it was under the private management. This witness for the management has further admitted that since he was entrusted with the charge of bonus registers it is not possible for him to say if V&I statement contains all the name of the person eligible for subscribing to provident fund. This being so, the V&I statement relating to Coal Mines Provident Fund is not a complete reliable document to determine the fact whether the concerned workman was in the employment of the colliery under the private management.

15. The concerned workman, in addition to the evidence laid by him called for attendance register of miner/loader for the year January, 1968 to February, 1969 of No. 12 Pit of Murulidih Colliery by application dated 24-11-82. The management did not produce the Attendance Register for the period mentioned above although so directed. It has not taken the plea that these registers are not available. That being the position, I come to the conclusion that in the circumstances adverse inference may be drawn against the management under Section 114G of the Evidence Act to the effect that had the registers been made available it would have disproved the case of the management and proved the case of the workman.

15. Considering all these facts and circumstances I come to the conclusion that the concerned workman was in the employment of Murulidih Colliery as miner/loader in 1969 while the colliery was under the private management and that he fell ill, suffered protracted illness and remained an absentee employee when the management of the colliery was taken over by the Government and when it was subsequently nationalised.

16. Admittedly, the service of the concerned workman was not formally and duly terminated either by the erstwhile owner or by the present management on the ground of his continued ill health. Section 17 of the Coking Coal Mines (Nationalisation) Act, 1972 provides that every person who is a workman within the meaning of Industrial Disputes Act, 1947 and has been, immediately before the appointed day, in the employment of a coking coal mine or coke oven plant, shall become on and from the appointed day, an employee of the Central Government, or, as the case may be, of the Government company in which the right, title and interest of such mine or plant have vested under the said Act. This is the statutory protection for the workmen and is express, explicit and mandatory. The statutory continuity of service cannot be done away with simply by denial thereof by the present management. The decision reported in 15 SCLT 27 envisages that Section 17 of the Coking Coal Mines (Nationalisation) Act is a special provision relating to workmen and their continuance in service notwithstanding the transfer from private ownership to the Central Government or Government company. Every person who is a workman within the meaning of the Industrial Disputes Act, 1947 and has been, immediately before the appointed day, in the employment of mine or plant, shall become an employee of the Government or Government company. In the present case the concerned

treatment for his protracted illness in the hospital and his services were no legally terminated by the erstwhile owner or the present management on the ground of continued ill-health. That being the position his continuity of service cannot be breached.

17. Now the question which comes to the fore of my consideration is the period from which he is entitled to get back wages from the management. Admittedly, he suffered long and protracted illness on account of consumption and underwent prolonged treatment. He has admitted that he personally presented himself for employment after nationalisation in 1975 since before that period he was taking medicines regularly. It is not the case of the management that either in 1975 or afterwards the concerned workman was not physically fit to resume his duty. But since no specific date is available from the evidence as to the date when the concerned workman reported for duty in 1975 after recovery from his illness, I consider it fair and proper to allow him back wages from 1-1-1976 and before that period he should be treated to be an absentee employee on medical ground without pay.

18. Thus from my discussion above I come to the conclusion that the demand of the concerned workman for reinstatement in service from 1-1-1976 is justified. By way of additional relief, he should get back wages from 1-1-1976 and continuity of service.

19. In the result, the present reference is answered and an award passed in the following manner: The demand of Bindeshwari Das for reinstatement by the management of Murulidih Colliery of M/s. Bharat Coking Coal Ltd., Dhanbad, is justified. The management is directed to reinstate him in service within one month from the date of publication of the award when the concerned workman must report for duty. The concerned workman is entitled to get continuity of service, and full back wages from 1-1-1976 till he resumes his duty as directed.

S. K. MITRA, Presiding Officer

[No. L-20012/72/83-D.III(A)]

नई दिल्ली, 12 फरवरी, 1988

का. आ. 639 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार गोविन्दपुर कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 12th February, 1988

S.O. 639.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Govindpur Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 3rd February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 48 of 1984

PARTIES :

Employers in relation to the management of Govindpur Colliery of M/s. B.C.C. I

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Sari B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 27th January, 1988

AWARD

The present reference arises out of order No. L-20012(123)/84-D.III (A), dated, the 30th July, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said Schedule runs as follows :—

“Whether the action of the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited, in striking off the name of Shri Janki Mahato from the Company's roll for not joining at Kooridih Colliery is justified? If not, to what relief is the workman entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012/123/84-D.III (A)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 48/84

Employers in relation to the management of Govindpur Colliery ;

AND

Their Workmen.

The humble petition on behalf of the parties above named most respectfully sheweth :—

1. That the Central Government by Notification No. L-20012(123)/84-D.III (A) dated 30-7-84 has been pleased to refer the present dispute for adjudication of the Hon'ble Tribunal on the issue reproduced below :—

SCHEDULE

“Whether the action of the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited, in striking off the name of Shri Janki Mahato, from the Company's roll for not joining at Kooridih Colliery is justified? If not, to what relief is the workman entitled?”

2. That the parties to the above reference have amicably settled the dispute on the following terms :—

TERMS OF SETTLEMENT

(a) That the concerned workman has already been given

with effect from 3-11-87 and his continuity of service has been maintained

(b) That the concerned workman does not have any other or further claim in this respect has given assurance that in future he will regularly attend to his duties and will not absent unauthorisely

(c) That the concerned workman is happy with the settlement and does not press for back wages

3 That in view of the settlement, there remains nothing to be adjudicated

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the workmen
(G D PANDEY)
Jt Genl Secretary
RCMS

For the Employers
(S B RAI)
General Manager
(S C GUAR)
Personnel Manager

Witnesses :

1.

का आ 640 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्ट कटरास कोलयरी, मैसर्स भारत कोकिंग कॉल लिमिटेड के प्रबंधन के सम्बद्ध नियोजको और उनके कर्मकारों के बीच, अनुबध्द में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सख्या -2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 फरवरी, 1988 को प्राप्त हुआ था।

S.O 640—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of East Katras Colliery of M/s Bharat Coking Coal Ltd and their workmen, which was received by the Central Government on the 2nd February, 1988

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO 2) AT DHANBAD

PRESENT :

Shri I N Sinha, Presiding Officer

Reference No 321 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I D Act, 1947

PARTIES

Employers in relation to the management of East Katras Colliery of Bharat Coking Coal Ltd and their workmen

APPEARANCES :

On behalf of the workmen—Shri Arjun Singh, Secretary, Koyla Ispat Mazdoor Panchayat

On behalf of the employers—Shri P Jha, Dy Personnel Manager.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 25th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I D Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No L 2001 (167)/86-D III (A), dated, the 5th September, 1986

SCHLDULE

Whether the demand of Koyla Ispat Mazdoor Panchayat that the management of East Katras Colliery of Bharat Coking Coal Limited should give a job to the dependant wife of their deceased workman, late Sitwa Bhuan, Miner/Loader, under para 9.4.2 of the National Coal Wage Agreement-III is justified? If not to what relief she is entitled?

In this reference both the parties filed their respective WS documents. Subsequently both the parties appeared before me and filed a Joint Compromise petition. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said compromise petition which forms part of the Award as Annexure A

[No L 20012/167/86 D III (A)]

I N SINHA Presiding Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2 DHANBAD

In the matter of Reference No 321 of 1986

PARTIES

Employers in relation to the Management of East Katras Colliery of M/s Bharat Coking Coal Limited

AND

Their Workmen,

Joint Compromise Petition of Employers and Workmen

The above mentioned employers and workmen beg to submit most respectfully and jointly as follows —

1 That the employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at an amicable and mutually acceptable settlement

2 That as a result of such mutual negotiations, the employers and the workmen have agreed to settle the matter covered by the aforesaid reference on the following terms and conditions —

(a) It is agreed that the Management shall provide employment to Smt Swejee Bhuni wife of late Sitwa Bhuan as casual piece rated worker in piece rated group III (Casual W/Loader) on 12-2-88 subject to her being found medically fit of the Medical Officers of Bharat Coking Coal Limited

(b) It is agreed that the person to be provided employment as per clause (a) above, shall be duly identified as the wife of late Sri Sitwa Bhuan and necessary documents in support of such identification including the photographs of the persons concerned, shall be certified by the Mukhia of the village concerned and also the Block Development Officer within whose jurisdiction such village falls. Further, the Secretary of the sponsoring Union namely, Koyla Ispat Mazdoor Panchayat shall also furnish a certificate affixing the photograph of the person concerned in regard to the genuineness of

(c) It is agreed that the persons concerned as referred to in clauses (a) and (b) above who is to be provided employment will also swear an affidavit with his/her photograph affixed thereon to the effect that she is the wife of late Shri Sitwa Bhuian.

(d) It is agreed that if at any time, it is found by the Management that the person concerned is not the genuine person for whom the employment is intended, the Management will be entitled to terminate his/her services without any notice at any time.

(e) It is agreed that no back wages or any other benefit shall be admissible to the person concerned, who is to be provided employment as aforesaid.

(f) It is agreed that this is an overall agreement/settlement in respect of all the claims of the persons concerned as referred to above and the sponsoring union arising out of and connected with the aforesaid reference.

That the employers and the workmen hereby declare and confirm that they consider and accept that this agreement/settlement is fair just and reasonable to both the parties.

In view of the above, the employers and the workmen jointly pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and give an award in terms thereof, and dispose of the above reference accordingly.

And for this the employers and the workmen shall in duty bound ever pray.

Secretary (S. MUKHERJEE)
Koyla Ipat Mazdoor Panchayat Superintendent
for and on behalf of the workmen. East Katras Colliery
Bharat Coking Coal Limited

Witnesses :

(Sd/-) (A. K. RAO)
2. (Sd/-) Illegible. Personnel Manager
Katras Project Area
Bharat Coking Coal Limited
For and on behalf of the Employer

I. N. SINHA,
Presiding Officer
Central Government Industrial Tribunal (No. 2)
Dhanbad

Dated at Dhanbad this the
Day of January, 1988.

का. आ. 641:—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार गिडी "सी" कॉलियरी, मैसर्स सेन्ट्रल कॉल-
फील्ड लिमिटेड के प्रबन्धन के सम्बन्ध नियोजकों और
उनके कर्मचारों के बीच, अनुबंध में निर्मित
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,
संख्या-1, धनबाद के पंचपट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 3 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 641.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gidi "C" Colliery of M/s. Central Coalfields, Ltd., and their workmen, which was received by the Central Government on the 3rd February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 79 of 1982

PARTIES :

Employers in relation to the management of Gidi 'C' Colliery of M/s. B.C.C. Ltd.,

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Muty, Advocate.

For the Workmen—Shri Lalit Burman, Vice President, United Coal Workers' Union.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 25th January, 1987

AWARD

By Order No. I-20012(224)/82-D.III (A), dated, the 1st December, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of management of Gidi 'C' Colliery of Messrs Central Coalfields Limited, Post Office Gidi 'C', District Hazaribagh, in depriving Shri Bhagwan Das Manjhi, L.D.C. of his wage protection already granted, as also the management's action by way of recovery of alleged extra wages paid to the said workman, is justified? If not, to what relief is the workman concerned entitled?"

2. The case of the management, briefly stated, is as follows :

The workers of the coal industry are broadly specified into three categories, namely, monthly-rated employees, daily-rated employees and piece-rated employees. The job of piece-rated worker is manual, arduous and strenuous. The system of payment of wages to this category of worker is according to the system of payment by results. The piece-rated workers earn wages according to their physical capacity and willingness to work and the quantum of work actually done. Under all circumstances, the piece-rated workers cannot earn wages upto the normal group wages linked to a given work load. They do not have any benefit of annual increments like the daily-rated and monthly rated workers. They do not have also any benefit of promotional avenue which are available to daily-rated and monthly rated workers. Because of this position the piece-rated workers have a preference to go over to daily-rated jobs and specially those who do not have the physical stamina to do piece-rated work. Such tendency is manifest among the literate and educated piece-rated workers as in the instant case.

3. The workman concerned in the present case was appointed a piece-rated worker on 13-1-79 as a result of the voluntary retirement scheme whereby his father preferred to retire and secure employment for his son. He had hardly worked as piece-rated worker and could not even acquire the necessary proficiency or skill to do that type of work. The management had some posts of Clerks Grade III vacant early in 1979. Instead of going in for direct recruitment the management wanted to give an opportunity to the daily-rated and piece-rated workers who are matriculates and who preferred clerical jobs in the office against clerical posts. The con-

Selection Committee and was selected for the post of clerk grade III. At no stage, the management had given even the remotest indication that the wages of piece-rated workers would be protected, if any of them is selected for the post of clerk grade III. It would have been highly improper to consider protection of group wages of piece-rated workers and others as that would have meant that the persons selected in the same batch and in the same post would be getting different pay on appointment to the post of clerk grade III. Further, if such protection is allowed it would also amount to fresh entrants in clerk grade III getting higher pay than even those who were already in the post of clerk grade III for several years. In the present case due to an error or misunderstanding on the part of the officials concerned the pay of the workman was later fixed at Rs. 508 in the pay scale of clerk grade III on the scale of Rs. 460-16-636 even though initially it was fixed correctly at the stage of Rs. 460 only i.e. the minimum of the pay scale of the post of clerk grade III and he drew wages accordingly. Further, the action of the official concerned fixing the pay of the concerned workman at the stage of Rs. 508 was without sanction of the competent authority and it was against the policy of the Company. When the Finance Department discovered the mistake, the matter was considered and the wrong fixation of pay done in the case of the workman concerned was rectified with all consequential adjustment. There was no protection of wages actually granted by the management in a valid manner. There was no legal, valid protection of piece-rated wages of the concerned workman and if that was done for sometime, it was irregular. Under such circumstances, no legal right or condition of service accrues to the workman. In the present case the pay was re-fixed at correct stage when the mistake was discovered. The present dispute was earlier raised by another union, Rashtriya Colliery Mazdoor Sangh, but when the union realised that the case had no substance, it was dropped. Later the case has been canvassed by the sponsoring union. In the context of facts and circumstances, the management have submitted that the action taken by them is justified.

4. The case of the concerned workman, briefly stated, is as follows :

The concerned workman was originally appointed a piece-rated miner and had been in the Group VA of the National Coal Wage Agreement-I in January, 1979. In April, 1979 he was selected a Trainee for clerical job and was posted in the office of the General Manager (A) by an order dated 17/18-7-1979. During the period of training he was paid group wages of Group VA i.e. piece-rated. After completion of training he was regularised in clerical grade III with effect from 1-6-1980 and his basic salary was fixed at Rs. 508 per month by giving the benefit of wage protection as he was getting higher wages as a piece-rated miner and during the training period than the initial basic pay of clerk grade III. On 14-12-1981 the Dy. Chief Mining Engineer, Giddi 'C' promoted him to Grade II Clerk with effect from 1-12-1981 and his basic pay was fixed at Rs. 554 per month in the scale of Rs. 508—808 per month. The Dy. Chief Mining Engineer, Giddi 'C' served a notice dated 5-5-82 on him stating that his basic wages was reduced from Rs. 554 per month to Rs. 508 per month with effect from 1-12-1981 and further that his basic in Grade III which was fixed at Rs. 508 per month earlier was also reduced to Rs. 460 per month. The said notice also envisages that the amount of alleged over-payment on both counts would be recovered from his salary. After the receipt of the said notice he made representation dated 9-6-82 to the management opposing the reduction in the basic salary fixed on his regularisation as Clerk Grade III and promotion to the post of Clerk Grade II. The union took up the matter with the management since the action of the management was unjustified and illegal, the management, however, struck to their own wrong position and started deduction of wages as per the notice which has given rise to the present industrial dispute. In the circumstance, the concerned workman has prayed that the action of the management is unjustified and he be granted restoration of basic wages which he received prior to wrong reduction in wages and reimbursement of wages deducted from his wages so far.

5. In the rejoinder to the written statement of the workman, the management have stated that during the period of training

the concerned workman was not entitled to protection of group wages of Group VA and he should have been allowed the minimum of basic pay of Clerk Grade III i.e. Rs. 460/- per month. He was regularly placed in Clerical Grade III with effect from 1-6-1980 but due to some error or misunderstanding his basic pay was fixed at Rs. 508/- per month. Then again his basic was wrongly fixed at Rs. 554/- in the pay scale of Rs. 508-808 instead of at the stage of Rs. 508/- while he was promoted to the post of Grade II Clerk. It is reiterated that the action taken by the management is justified and the management have every right to rectify the mistake.

6. In rejoinder to the written statement of the management the union of the concerned workman has stated that the statements made by the management in para 3 of the written statement are irrelevant and the management indulged in useless and misconceived discourse over the matter which has no bearing on the present reference. It has been stated that the piece-rated worker do not prefer to time-rated jobs no matter unless the benefit of wage protection is given. The plea of error or misunderstanding as stated by the management is not correct because all the relevant papers relating to the concerned workman, were forwarded to the Finance Department and all the orders were issued with the sanction of the competent authorities. The benefit of wage protection given to the concerned workman was valid, proper and regular and the management should not be allowed to rescind from that position.

7. Sri R. S. Murty, Advocate, appearing for the management has submitted that the concerned workman was a piece-rated worker and on his conversion to time-rated job, he is not entitled to wage protection as per the policy of the management. He contended that the management have every right to rectify the wrong or incorrect action taken by them and the concerned workman cannot raise any objection to it.

8. Sri Lalit Burman authorised representative of the sponsoring union has submitted that the management considered every aspect of the matter and fixed the wage of the concerned workman at a higher stage in the scale of pay after being satisfied that he was entitled to protection of his pay which he was getting while he was a piece-rated worker. He has contended that the management has no right to re-call their action in the matter of fixation of pay of the concerned workman at higher stage.

9. It is the undisputed position that the father of the concerned workman voluntarily retired from service and the concerned workman was appointed in his place as a piece-rated worker in Group VA of the National Coal Wage Agreement-I on 31-1-1979. The position is also undisputed that in response to the notice of the management he applied for the post of M.T.K. which is comparable to the post of Clerk Grade III. This is also borne out by the application of the concerned workman dated 30-3-1979 (Ext. M-6). It is also the undisputed position that the concerned workman was interviewed and selected by the Selection Committee for the post of Clerk Grade-III. This fact is also borne out from Ext. M-1 with Annexure thereto. It appears that he was selected as Trainee Clerk with effect from 17-7-1979 (Ext. M-1). The Personnel Officer (A) on behalf of the management issued Office Order dated 17/18-7-1979 (Ext. W-1) declaring that the workman listed in the said order which included the concerned workman would be kept as trainee for a period of six months and during the period of training they would be paid their group wages. Thus it is seen that the management decided to give wage protection to the concerned workman along with other workmen. By another Office Order issued by Personnel Manager dated 25-10-79 such wage protection was not given to another set of workmen and these workmen were required to give option (Ext. M-3). But by subsequent Office Order dated 14/15-5-81 the conditions were lifted (Ext. M-4). Thus it is seen that the management were pursuing a policy of giving wage protection to their workmen on their conversion to time-rated job. However, it remains an incontestable position that the concerned workman was regularised as Clerk Grade III on a pay scale of Rs. 460—636 with effect from 1-6-1980 (Ext. W-2) and (Ext. M-2). It is the undisputed case that while regularising the concerned workman as Clerk Grade III, his basic salary was fixed at Rs. 508 per month. This was evidently done by the management after giving him the benefit

of wage protection because the initial pay on the scale was Rs. 460 per month. Office Order dated 27/28-6-1980 (Ext. M-2) and (Ext. W-2) envisages that the concerned workman and others might be considered for promotion to the post of Clerk Grade II after they had put in one year's service as Clerk Grade III and found fit. By Office Order dated 14-12-81 the concerned workman was promoted to the post of Clerk Grade II, or L.D.C./M.T.K. on a scale of pay of Rs. 508—808 with effect from 1-12-81 (Ext. W-3). It is the undisputed position that his basic pay was fixed at Rs. 554 per month in the scale of Rs. 508—808 per month. Thus it also appears that even at the stage when he was promoted to the post of Clerk Grade II protection of pay was given to him by the management.

10. Sri R. S. Murty has submitted that this wage protection was given to the concerned workman improperly and wrongly due to error or misunderstanding on the part of the official concerned. He has further contended that the wage protection given to the concerned workman runs counter to the policy of the management.

11. At the time of hearing Sri Murty could not produce before me any policy statement of the management in this regard. The written statement of the management discloses the facts that the mistake was detected by the Finance Department and the matter was considered by the management and the wrong fixation of pay done in the case of the concerned workman was rectified with all consequential adjustments. M.W. 1 N. K. Gupta, now posted as Dy. Chief Personnel Manager, has stated in his testimony in his cross-examination-in-chief that at the time of fixation of pay of the concerned workman in the post of Clerk Grade II it was detected by the Accounts Department, Argada Area, that the pay of the concerned workman was wrongly fixed while he was appointed to the post of M.T.K. which is comparable to the post of Clerk Grade III and accordingly order was issued to rectify the mistake. He has further stated that General Manager of the Area or any other officer is not competent to revise the policy of the Company. According to him the policy of the company is that when a piece-rated worker is appointed in time-rated job he was given initial scale of pay of the time-rated job if the workman applied for the post on his own. I have already stated that no such policy document has been filed before me in support of this contention. In cross-examination he has admitted that the colliery authority fixed the pay of the concerned workman in Clerk Grade II after confirmation of the Accounts Department. He has further admitted that sanction of Finance Department is obtained regarding fixation of pay of a workman on conversion from piece-rated job to time-rated job and without certification or approval of the Finance Department no payment is possible in the new scale of conversion. In the rejoinder to the written statement of the management, the sponsoring union has also taken the position that after fixation of the pay of the concerned workman all relevant papers were duly forwarded to the Finance Department. The testimony of this witness is indicative of the fact that the fixation of the pay of the concerned workman at a higher stage in both the posts—Clerk Grade III and Clerk Grade II was duly approved of by the Finance Department.

12. Anyway, by a letter dated 30-4-82/5-5-82 the Dy. Chief Mining Engineer, Giddi 'C' Colliery informed the concerned workman and another that the Dy. Finance Manager (A) Argada has examined the case and reduced their fixation of pay to Rs. 508 from 1-12-81 and also reduced their fixation of pay as Clerk Grade III from Rs. 508 to Rs. 460 with effect from 1-6-80. The concerned workman and another were informed that Dy. Finance Manager (A) directed recovery of over-payment from their salaries (Ext. W-4). Thus it is seen that the management, without giving an opportunity to the concerned workman of hearing drastically reduced his wage by the fiat of Dy. Finance Manager (A).

Sri R. S. Murty has submitted that the management have got every right to rectify any mistake committed by them. But it remains an open question whether this is a mistake or not. As I have stated before, the management could not produce any policy document in the matter of fixation of pay of a piece-rated worker to a time-rated job on conversion. National Coal Wage Agreement-III (in the

matter of fixation benefit to piece-rated workers who are doing time rated job) implementation instruction No. 26 dated 23-4-1984 reads as follows :—

"It has been brought to the notice of the members of Standardisation Committee that many piece-rated workers who are working in time-rated job have not been given minimum guaranteed benefit (Clause 2.8) and fitment in the revised scale of pay (Clause 2.9) as provided in the National Coal Wage Agreement III.

This matter was discussed by the Standardisation Committee at its meetings held on 12th & 13th April, 1984 and it was agreed that in all such cases, the management will ensure the minimum guaranteed benefit and fitment in the revised scale of pay as per clause 2.8 and 2.9 of NCWA-III respectively with effect from 1-1-1983, in case it has not already been done."

Thus, it is seen that National Coal Wage Agreement-III envisages that the management will ensure the minimum guaranteed benefit and fitment in the revised scale of pay as per Clause 2.8 and Clause 2.9 respectively with effect from 1-1-83. Admittedly the case of the concerned workman is before that period. But guideline given therein may be enduring before that period. In any view of the matter the management was not justified in reducing the pay of the concerned workman to his disadvantage and prejudice without giving him opportunity because an administrative order which involves civil consequences must be made in conformity with the rule of natural justice which at its lowest minimum requires notice and opportunity to the person affected thereby. (AIR 1981) (1481) The management in the present case has not done so with the result that the action of the management in depriving the concerned workman of his wage protection already granted and recovery of alleged extra wages paid to him cannot be held to be justified. The management may rectify their mistake, if they had committed any such mistake, by observing the principle of natural justice.

13. Accordingly, the following award is made; the action of the management of Gidi 'C' Colliery of Messrs Central Coalfields Limited, Post-Office Gidi 'C', Dist. Hazaribagh in depriving Shri Bhagwan Das Manjhi, L.D.C. of his wage protection already granted, as also the management's action by way of recovery of alleged extra wages paid to him is not justified. The management is directed to restore the original position with respect to the pay of the concerned workman and reimburse him the amount already deducted from his salaries by way of recovery of alleged extra wages within one month from the date of publication of the award. The management, however, will be within their right to rectify any mistake in the matter in conformance to the principle of natural justice.

In the circumstances of the case the parties are to bear their own costs.

S. K. MITRA, Presiding Officer

[No. L-20012/224/82-D. III(A)]

का. आ. 642:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मूनीदीह प्रोजेक्ट, मैसर्स भारत कोकिंग कॉल लिमिटेड के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1988 को प्राप्त हुआ था।

SO 642—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers

in relation to the management of Moonidih Project of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 3rd February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 16 of 1984.

PARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra,

Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Murty, Advocate.

For the Workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 18th January, 1988

AWARD

By Order No. L-20012(297)/83-D. III(A) dated, the 16th March, 1984, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

“Whether the action of Messrs Bharat Coking Coal Limited in relation to their workman, Shri Lakhman Rewani, Tyndal Jamadar in Moonidih Project, during the pendency of conciliation proceedings is justified? If not, to what relief the workman concerned is entitled?”

2. The case of the management, shown of unnecessary details, is as follows :

The concerned workman, Lakhman Rewani, was working as Tyndal Jamadar in Moonidih Project of M/s. B.C.C. Ltd. He was absent from duty without any intimation to and permission of the competent authority on the 22nd and 23rd August, 1983. He reported for duty on 24th August, 1983 in the 1st shift and put an application for casual leave on the table of Sri Janki Prasad, Executive Engineer (E&M) for his signature. But the Executive Engineer did not put his signature as the concerned workman was absent from duty without permission and intimation. Again on 27-8-1983 he approached the Executive Engineer aforesaid and pressed him to put his signature on the application for leave. The Executive Engineer refused to sign the same, again on the plea that the concerned workman was absent without permission and intimation. Thereupon the concerned workman became agitated and started shouting and threatening the Executive Engineer by saying that the latter would not be allowed to go home that day and further he would have to bear the dire consequences for his act. The concerned workman left the office room by hurling threat that the Executive Engineer would be beaten up as soon as he would come out. On the same day at about 1.30 p.m. the concerned workman again came to the office and threatened

the Executive Engineer that unless his application was signed the latter would not be allowed to go home. The concerned workman wanted to get the signature of Executive Engineer under coercion, manhandled him and pushed his scooter three times while he tried to take out his scooter for going to his residence during lunch hours. The concerned workman also tried to assault the Executive Engineer but the latter was luckily saved at the intervention of S/Sri B. K. Sinha, Foreman Incharge, Sripatal Das, Carpenter, Sunarayan Singh, Welder Helper. But in spite of the intervention of the above persons the Executive Engineer was not allowed by the concerned workman to move from the workshop and he was forcibly kept confined in his office. At about 2.30 p.m. on receiving telephonic message from the Executive Engineer, Sri V. R. Joshi, Personnel Manager reached the spot with CISF guards, rescued the Executive Engineer and took him out from the workshop. The acts of the concerned workman constituted misconduct and so the management issued chargesheet against him on 28/29-8-1983 for misconduct on three counts under certified Standing Orders for habitual late attendance and habitual absence without leave and without sufficient cause as envisaged under clause 17(i)(d), for riotous, disorderly or indecent behaviour while on duty under clause 17(i)(e) and for threatening, abusing or assaulting any superior and co-worker. The concerned workman was directed to submit his explanation to the chargesheet within 72 hours and was immediately put under suspension until further order. He submitted his explanation on 30-8-83 denying the charges. But the management found his explanation unsatisfactory and decided to hold domestic enquiry. Sri B. K. Choubey, Personnel Officer, Moonidih Project, was appointed Enquiry Officer to hold domestic enquiry into the charges levelled against the concerned workman. In the course of enquiry the management examined S/Shri Jogendra Prasad, Foreman Incharge, S. K. Sinha also a Foreman Incharge and V. R. Joshi, Personnel Manager and laid in evidence a shear of documents in support of its case.

3. The concerned workman examined himself and Sripatal Das, Carpenter in support of this case that he did not commit any misconduct as alleged by the management.

4. The Enquiry Officer found the concerned workman guilty of charges on two counts for misconduct under clause 17(i)(e) and 17(i)(r) of the certified Standing Order in his report dated 5-9-1983. Sri A. K. Sahay, Project Officer, on the recommendation of the Superintendent of Mines, passed order for dismissal of the concerned workman from service and issued order of dismissal by letter dated 10-9-1983. The management has submitted that the domestic enquiry was held fairly and properly after giving the concerned workman every opportunity to defend himself, and, since the charges against him on two counts have been proved without any shade of doubt, the order of dismissal passed against him is justified. The management has further submitted that after close examination of the terms of reference it must be held that the action taken by it against the concerned workman is justified. The management has denied that the order of dismissal was clumped down on the concerned workman during the conciliation proceeding.

5. The case of the concerned workman as appearing from the written statement filed by the sponsoring union, Bihar Colliery Kamgar Union, is as follows :

The concerned workman had been working as permanent tyndal Jamadar since long with unblemished record of service. He is an active member of Bihar Colliery Kamgar Union. The local management of M/s. B.C.C. Ltd. is very much biased and prejudiced against the members of Bihar Colliery Kamgar Union and they are always on the look out to victimise the members of the union. The management, with an ulterior motive to victimise the concerned workman, issued a false, frivolous and motivated chargesheet against him. He was chargesheeted for remaining absent from duty, for abusing Sri Janki Prasad, for pushing him three times and for attempt to assault him. He submitted his reply denying the false and frivolous charges. He could not attend his duty on 22nd and 23rd August, 1983 due to unavoidable circumstances and hence he submitted an application for casual leave and requested Sri Janki Prasad to

sign the application for leave applied for. His explanation was sufficient enough but the management conducted a perfunctory and illegal enquiry. He was not given full chance to cross-examine the management's witnesses or to adduce defence witnesses. The witnesses for the management were not examined in his presence. He was suspended by the management without conducting any preliminary enquiry even. The action of the management suspending the concerned workman on flimsy grounds agitated the workman and so the General Secretary of the union served a strike notice dated 9-9-83 demanding withdrawal of suspension order along with other demands. The management dismissed the concerned workman by a letter dated 10-9-87 during the pendency of conciliation proceeding. Ultimately the concerned workman was dismissed from service during the pendency of conciliation proceeding and in such circumstance the order of dismissal is illegal, invalid and void abinitio. These facts were pointed out to the Conciliation Officer but the management refused to withdraw the order of dismissal in spite of the request of the Conciliation Officer. The conciliation proceeding ended in a failure and appropriate Government was pleased to refer the dispute for adjudication before this Tribunal. It has been submitted by the concerned workman that the punishment by way of dismissal from service is too harsh and disproportionate regard being had to the charge framed against him.

6. In rejoinder to the written statement of the concerned workman, the management has denied the allegations made against it and submitted that the domestic enquiry was held fairly and properly.

7. In rejoinder to the written statement of the management, the concerned workman has taken the position that the order of dismissal was passed during conciliation proceeding and that the Project Officer, Moondih Project was not authorised to dismiss the concerned workman from service.

8. The management examined the Enquiry Officer and produced in evidence the records of the domestic enquiry including the chargesheet, explanation submitted by the concerned workman to the charge-sheet, the entire domestic enquiry proceeding and the order of dismissal from service passed against the concerned workman. They have also produced a photo copy of the letter of A.L.C.(C), Dhanbad, dated 5-11-1983 addressed to the Secretary to the Govt. of India, informing that the conciliation proceeding had failed since the union was agreeable to resolve the dispute through arbitration, but the management was not.

9. The concerned workman produced the strike notice issued by the General Secretary, Bihar Colliery Kamgar Union to the General Manager, Moondih Project.

10. The preliminary issue was to whether the domestic enquiry was fair and proper was considered first. Although the concerned workman has raised various contentions disputing the fairness of the domestic enquiry and cross-examined the Enquiry Officer at length to prove his point on this score, he ultimately conceded that the domestic enquiry was held fairly and properly. That being so it now remains to be considered whether the findings of facts of the Enquiry Officer are sustainable on merits.

11. Sri R. S. Murthy, Advocate, appearing for the management has submitted that the finding of facts of the Enquiry Officer are sustainable on merits. He has further submitted that the terms of reference envisage whether the action of the management in relation to their workman, Lakhan Rawan is justified during the pendency of the conciliation proceeding. This being the terms of reference, this Tribunal is required only to investigate whether the action of the management was taken during the conciliation proceeding and if so whether the action of the management is justified. He has further submitted that the action against the concerned workman was not taken by the management during conciliation proceeding.

12. Sri D. Mukherjee, appearing for the union and the concerned workman has submitted that the findings of facts of the Enquiry Officer are not sustainable by evidence on record. He has further submitted that the management took action against the concerned workman during the conciliation proceeding and that the precipitate action of the

management is open to review by this Tribunal and that the pedantic view with regard to the interpretation of the terms of the terms of reference by the Advocate of the management is not warranted.

13. Admittedly the concerned workman was working as permanent Tyndal Jamadar in Moondih Project of M/s. B.C.C. Ltd. He absented from duty on the 22nd and 23rd August, 1983 without prior permission of and intimation to the competent authority and submitted an application for casual leave before Sri Janki Prasad, Executive Engineer (E&M) on 24-8-83. His defence case in the written statement is that he could not attend his duty on those two days due to unavoidable circumstances. In the rejoinder to the written statement of the concerned workman the management has not taken any definite and firm position that his application for casual leave was on frivolous ground. The management has not produced the application for casual leave. Anyway, Executive Engineer did not put his signature on the application for casual leave of the concerned workman on the plea the latter was absent from duty on those two days without prior permission of or intimation to anybody.

14. It appears in evidence that the certified Standing Order (Coal Mines) N.C.D.C. Ltd. was applicable to Moondih Project at the relevant time. Standing Order No. 9(b) of the said Standing Order under the heading 'ABSENCE FROM PLACE OF WORK' provides that normally a workman will not be refused the leave applied for by him, but the employer may refuse, revoke or curtail the leave applied for by the workman, if the exigencies of work so demand. Standing Order No. 10(f) envisages that a workman may be granted casual leave of absence with or without pay not exceeding ten days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to mean special circumstances which cannot be foreseen. Ordinarily, the previous permission of the Head of Department in the establishment shall be contained before such leave is taken, but where this is not possible, the Head of the Department shall, as soon as may be practicable, be in writing of such absence and of the probable duration thereof. I have already pointed out that the case of the concerned workman was that he was absent from duty for two days on the 22nd and 23rd August, 1983 due to unavoidable circumstances and this fact has not been assailed by the management specifically. This being so, his absence may be comprehended under special circumstances which could not be foreseen and he intimated his absence to his superior on the very day of his assumption of duty and submitted an application for casual leave. There is no vestige of evidence on record that there existed exigencies of work which compelled the employer to refuse the leave applied for. In the circumstances, it is very difficult to comprehend why Sri Prasad refused to put his signature on the application for casual leave of the concerned workman.

15. It appears from the evidence that Sri Janki Prasad was on leave on 25th and 26th August, 1983. The first segment of charge against the concerned workman is that on 27-8-1983 at about 10.00 a.m. he approached Sri Prasad and pressed him to put his signature on his application for leave. But Sri Prasad refused to sign on the said application on the plea that the concerned workman was absent without any permission or intimation to anybody. I have already stated that this act of Sri Prasad is really incomprehensible. There is provision for casual leave in the certified Standing Order. There is also provision for casual leave without prior permission when such permission is not possible to obtain. However, the chargesheet bears down that when Sri Janki Prasad refused to accede to the request of the concerned workman, the latter became furious, started shouting and threatened Sri Janki Prasad with dire consequences and also threatened him that he would not be allowed to go home and would be beaten up if he could brave to come out.

17. Sri Janki Prasad in his evidence has simply stated that he told the concerned workman that since he did not submit his application in time, it will not be possible for him to sign the same and upon this the concerned workman told him that unless and until he signed his application, he would

not allow him to go home and he would be able to go home when police would come and so saying he went on in anger by abusing him. The allegation of abuse has not been made in the chargesheet. Jogendra Prasad, Foreman Incharge has claimed that he was with Sri Janki Prasad when the concerned workman visited the latter at about 10 a.m. But this claim of his has not been supported by Sri Janki Prasad even. Anyway, this witness out did Sri Janki Prasad by stating that the concerned workman threatened and abused Sri Janki Prasad in filthy language. I have already pointed out that the allegation of abuse has not been made in the chargesheet. Yet these two witnesses have testified that the concerned workman abused Sri Janki Prasad, and Jogendra Prasad out did Janki Prasad by saying that the concerned workman abused Janki Prasad in filthy language. The performance of the Enquiry Officer in appreciation of evidence in this regard fails no better. He has given a slight of fancy to his report by stating that Janki Prasad complained that the concerned workman abused him in filthy language. Obviously this is not borne out by the evidence on record.

Sri Janki Prasad has stated that he got in touch with Sri Joshi, Personnel Manager, Sri V. R. Joshi, Personnel Manager, has stated that Janki Prasad telephoned him with a request to resume him from the workshop and on this he enquired of him as to what happened and thereupon Janki Prasad told him that he was ready to go home on his scooter at about 1.45 p.m. but the concerned workman pushed him from the scooter and he would not allow him to go home. Thus it is seen that Janki Prasad did not report to Sri Joshi that at about 10.00 a.m. the concerned workman threatened and abused him. This being so, I am constrained to hold that the management as failed to prove that at about 10 a.m. Sri Janki Prasad was threatened and abused by the concerned workman. The finding of the Enquiry Officer contrary to the conclusion reached by me is not justified by evidence on record.

18. The second segment of charge of the management against the concerned workman was that on the same day (27-8-83) at about 1-10 p.m. the concerned workman again came to the office and threatened Janki Prasad that he would not be allowed to go home until his application was signed and that he wanted to get his signature under coercion. No evidence has been laid to prove this aspect of the charge.

19. The third segment of the charge is that the concerned workman manhandled Janki Prasad, pushed his scooter three times while he tried to take out his scooter for going to his residence and was luckily saved by B. K. Sinha, Sripatthal Das, Carpenter and Sunanayan Singh, Welder Helper.

Janki Prasad in his evidence has stated that at about 1.30 p.m. when he was going to take his scooter, the concerned workman came to him with his casual leave application and told him whether he would sign his application or not and if he did not sign his application he would not be allowed to go home and when he removed his scooter from the stand, the concerned workman pushed his scooter with great force from behind due to which his scooter fell down and he became shaky and when he attempted to lift his scooter, the concerned workman again pushed it and that afterwards he left the scooter in the same position and got in touch Sri Joshi, Personnel Manager over the telephone. But Sri B. K. Sinha, Foreman Incharge has not supported the statement of Janki Prasad. He has simply stated that on 27-8-83 at about 1.30 p.m. he went to the workshop to take out his motor cycle when Janki Prasad came there to take out his scooter. At that time the concerned workman enquired whether his casual leave was granted or not and when Janki Prasad told him that he did not grant it, the concerned workman simply told him to grant his leave and then go. At this stage the witness explained to the concerned workman that his matter would be dealt with later and thereupon the concerned workman told him to go away, and he left the place. This evidence reveals that one welder helper told that concerned workman to go away and Janki Prasad was then standing near his scooter and from there he went to the workshop. Thus, it is seen that there is no evidence of manhandling Janki Prasad by the concerned workman. Janki Prasad's statement that his scooter was pushed three times by the concerned workman is not supported by the evidence of B. K. Sinha, the Foreman Incharge. The other witness named in the chargesheet who is to be present at the time of occurrence is Sripatthal

Das and he has been examined as defence witness. He has simply stated that on 27-8-83 at about 2 p.m. when Janki Prasad was about to go to his home and standing near his scooter, the concerned workman reached there and told him to sign his application for leave. Thereupon Janki Prasad told him that he would not sign his application and the concerned workman could go any where he liked. Thereafter the concerned workman again requested him to sign the application by saying that it is a question of his 'roti' (bread) and even after that Janki Prasad told him that he would not grant him leave and went inside the workshop. Later Sri V. R. Joshi reached there and Janki Prasad went home along with him. Thus the evidence of this witness abundantly makes it clear that the concerned workman did not push the scooter of Janki Prasad. On the other hand, his evidence reveals that Janki Prasad took an unreasonable stand in so as the application for casual leave of the concerned workman was concerned, because unless and until his application for casual leave was granted he would not get his wages. Thus from the evidence on record I have no hesitation to come to the conclusion that the charge of holding out threat to Janki Prasad, a superior officer, manhandling him and pushing his scooter by the concerned workman and keeping Janki Prasad confined in his office has not been proved by evidence on record.

20. The other witness as mentioned in the chargesheet, namely Sheonarain Sheghel, Welder Helper, has not been examined by the management. No explanation has been offered by the management as to why he has not been examined. The chargesheet states that V. R. Joshi, Personnel Manager, reached the spot with CISF guard and rescued Janki Prasad and took him out from the workshop. Even Sri Joshi has not deposed that he reached the spot with CISF guard and rescued Janki Prasad. Surely the circumstance was not so brave as the chargesheet reveals and the management would have us to believe.

21. Thus, I come to the incapable conclusion that the evidences on record do not prove the charge against the concerned workman and the findings of the Enquiry Officer contrary to my conclusion are not sustainable.

22. It has been contended by Sri D. Mukherjee, authorised representative of the workman and the union that the management passed order of dismissal against the concerned workman during the pendency of conciliation proceeding. Admittedly, Bihar Colliery Kamgar Union, by notice dated 9-9-83 informed the management of Moonidih Project that the union proposed to go on strike from 1-10-1983 for realisation of long standing demand, listed as many as 11 items of demand including withdrawal of suspension of the concerned workman (Ext. W-1). This notice was received by the management on 9-9-83 and by the Conciliation Officer on 13-9-83 (Ext. W-9). Under Section 20 of the Industrial Disputes Act conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike is received by the Conciliation Officer. That being so, in the present case the conciliation started on and from 13-9-1983. But before that by order dated 10-9-83 the concerned workman was dismissed from service with immediate effect. Indeed there are overwriting on the date 10-9-83 thrice in the order (Ext. M-8). The Enquiry Officer who was examined by the management could not explain these overwritings. There are two other dates noted on this order, one is dated 13-9-83 and other is 14-9. Whatever may be the reason for this overwriting it is obvious that the management post haste issued this order upon receiving the strike notice from the union. This hurry of the management cannot but reflect upon their bonafide with regard to their action against the concerned workman.

23. D. Mukherjee has further contended that the order of dismissal was not issued by a competent person. Sri R. S. Murty, learned Advocate for the management has submitted that Project Officer of Moonidih Project was authorised by the Chairman-cum-Managing Director of M/s National Coal Development Corporation to take disciplinary action against the concerned workman. He has referred to Office Order dated 9-6-78—subject—delegation in terms of Standing Order No. 17 (ii) of certified Standing Order (Coal Mines) N.C.D.C. Ltd. But this Office Order provides delegation of powers to all Project Officers of washeries and other officers. There is no evidence that the Project Officer of Moonidih Project is the Project

Officer of washery. Sri Murty has further contended that by Notification the Project Officer of Moonidih Project was appointed Agent of the Project. But that important notification has not been produced before me. In the circumstances, it is doubtful and remains an open question whether Project Officer of Moonidih Project was vested with the power of dismissal of any workman under his control.

24. Sri R. S. Murty has further submitted that in the explanation to the chargesheet the concerned workman has admitted his guilt and pointed out to his statement to the effect 'I would request you to withdraw allegations made against me and to allow me to join my duty and at the same time if there is any fault on my part to kindly excuse me', in support of his contention. But this statement of the concerned workman cannot be constituted as an admission of guilt on his part. He requested the management to withdraw allegation and allow him to join his duty since he was placed under suspension. Then again with all humility he requested the management to excuse if there was any fault on his part. Hence I have no hesitation to over-rule the contention of Sri Murty that the concerned workman admitted his guilt in explanation to the show cause. Sri Murty has contended that this Tribunal is to see whether the action of the management is justified during the pendency of the conciliation proceeding and since there was no conciliation proceeding pending when the action was taken, the action of the management must be held to be justified. I consider that the terms of reference as interpreted by Sri Murty is definitely circumscribed and insular. The purport of the reference is, according to me, whether the action of the management in relation to their workmen in Moonidih Project is justified and more so in the context of the pendency of conciliation proceeding. This being so, I have no hesitation to over-rule the contention of Sri Murty in this respect. The conclusion is reached that the action of the management of Moonidih Project in dismissing the concerned workman from service is not justified and that the punishment meted out is disproportionate regard being had to the charge framed against him. I am of the opinion that no reasonable man would have imposed in like circumstances the punishment of dismissal.

25. Accordingly, I pass the following award the termination of service of the concerned workman by way of dismissal by the management is invalid, unjustified and must be set aside. The concerned workman is entitled to reinstatement in service with full back wages from the date of dismissal and other benefits including continuity of service.

In the circumstances of the case, parties are to bear their own costs.

S. K. MITRA, Presiding Officer.

[No. L-20012/297/83-D.III(A)]

का. आ. 643:—औद्योगिक विवाद : अतिरिक्त
1947 (1947 का 14) की धारा 17 के अनुसार, स. केन्द्रीय सरकार सजुआ क्षेत्र, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कार्यों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 2 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 643.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sijua Area of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 2nd February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 25 of 1983

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Sijua Area of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES:

On behalf of the workmen—Shri S. Bose Secretary, R.C.M.S.

On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 25th January, 1988

AWARD

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(354)/82-D.III (A), dated, the 23rd March, 1983.

SCHEDULE

"Whether the action of the management of Sijua Area of Messrs Bharat Coking Coal Limited in placing Shri U. P. Singh, Junior Draughtsman in Technical Grade-C from 1-3-1980 is justified? If not, to what relief is the workman entitled?"

In this case both the parties filed their respective W.S. documents etc. Subsequently at the stage of evidence both the parties appeared before me and filed a Joint petition of compromise. I heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint petition of compromise which forms part of the Award as Annexure-A.

I. N. SINHA, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 25/85

Employers in relation to the management of Sijua Area V of M/s. BCCL.

AND

Their workmen (represented by RCMS).

The humble joint petition of compromise on behalf of the parties.

The employers and the workmen most respectfully agree with :—

1. That the Central Government by a Notification No. L-20012(354)/82D.III(A) dated 16-3-1980 has referred the industrial dispute as per schedule noted below for an adjudication u/s 10(1)(d) of the Industrial Dispute Act 1947,

hereinafter referred to as the Act, to this Hon'ble Tribunal. The schedule of the reference is reproduced below :—

SCHEDULE

"Whether the action of the management of Sijua Area of M/s. BCCL in placing Sri U.P. Singh, Junior Draughtsman in Technical Grade 'C' with effect from 1-3-1980 is justified? If not, to what relief is the workman entitled?"

2. That the parties discussed the matter between themselves on different dates and have amicably settled the dispute on the following terms and conditions :—

Terms of settlement

- (i) That the workman concerned Sri U. P. Singh be placed in Technical Grade 'C' with effect from 1st day of March 1977. Although he shall be placed in Technical Grade 'C' w.e.f. 1-3-1977 but he shall not be paid the difference of wages, or any other benefit if any, arising out of such fixation from 1-3-77 to 28th day of February 1980.
 - (ii) That Sri U. P. Singh shall be given only notional seniority w.e.f. 1-3-1977.
 - (iii) That the workman concerned shall however be given financial benefit of increment and other benefit with retrospective effect from 1st day of March 1980, if any.
 - (iv) That in view of the fact that the workman concerned Sri U. P. Singh has been now working as a store keeper with effect from December 1984 which is in clerical Grade I and is more or less equivalent to Technical Grade 'C' he shall be redesignated as "Store Keeper" in Grade I with effect from December, 1984.
 - (v) That no further notice u/s 9-A of the Act, with regard to change in the conditions of service with regard to wages including the period and mode of payment or classification by Grades etc. change in designation shall be necessary.
 - (vi) That Sri U. P. Singh shall be paid incremental and the difference of wages, if any, with effect from 1st day of March 1980 till date.
3. That the terms and conditions of the settlement are fair and proper.
4. That this settlement resolves all the disputes in the instant reference between the parties and the workman concerned shall not be eligible/entitled to or claim any other benefit whatsoever.
5. That the parties further request the Hon'ble Tribunal to pass an award in terms of the settlement.
- It is, therefore, prayed that your honour may be graciously pleased to pass an award in terms of the settlement, and for this act of kindness the parties shall ever pray.

Representing workmen :

- (1) G. D. Pandey,
Jt. General Secretary, R.C.M.S.
- (2) The workmen, concerned.
Advocate

Witnesses:

- 1.
- 2.

Representing employers :

- (1) General Manager
Sijua Area
- (2) Dy. C.P. M./P.M.
Sijua Area.

I. N. SINHA, Presiding Officer
[No. L-20012/354/82-D III (A)]

नई दिल्ली, 18 फरवरी, 1988

का.आ. 644 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चासनाला कॉलियरी, मैसर्स इण्डियन आयरन एण्ड स्टील कम्पनी लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार का 9 फरवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 18th February, 1988

S.O. 644.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chasnalla Colliery of M/s. Indian Iron and Steel Company Ltd. and their workmen, which was received by the Central Government on the 9th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 49 of 1984

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Chasnalla Colliery of M/s. Indian Iron and Steel Company and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J. D. Lall, Advocate.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 29th January, 1988

AWARD

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(170)/84-D.III(A), dated, the 4th August, 1984.

SCHEDULE

"Whether the demand of the workmen S/Shri D. K. Handa, Electrician and Astaf, Fitter as sponsored by the Secretary, Bihar Mines Lal Jhanda Mazdoor Union for their placement in Category-VI by the management of Chasnalla Colliery of M/s. Indian Iron and Steel Company Limited, P.O. Chasnalla, District Dhanbad is justified? If so, to what relief these workmen are entitled and from what date?"

The case of the workmen is that one of the concerned workman Shri D. K. Panda was appointed in 1974 as Electrician in Cat. IV in Chasnalla Colliery of M/s. Indian Iron and Steel Co. Ltd. He had worked for several years as

Electrician in Bhowra Colliery prior to his appointment in IISCO. Although he was appointed as an Electrician in Cat. IV he was working as an Electrician Cat. VI since 1975 in the general shift. He was regularised as Electrician in Cat. V instead of Cat. VI in 1977. Prior to that he was paid the difference of wages of Cat. IV and Cat. V during the period from 1975 to 1977. He was an experienced Electrician of several years prior to his joining in Chasnalla colliery in the year 1974 and as such he was assured by the management of Chasnalla colliery at the time of his appointment that he would be given Cat. V at the start and after one or two years he would be placed in Cat. VI. After joining of the job by the concerned workman, the management did not keep up with the assurance given to the concerned workman. The concerned workman possesses statutory licence as Electrician of Bihar Government and because of his long experience he has been utilised as Senior Electrician in general shift in 7th cross cut incline of Chasnalla colliery since 1975 and he has been doing all important and complicated nature of work of an Electrician of Cat. VI. The concerned workman Shri Panda has to repair dismantle all types of Electrical installation of machineries, such as transformer all types of switches motors, haulages, fans, conveyors, pumps, etc. He has to prepare daily log reports under the sub-rule 5 of rule 31 of the Indian Electricity rules, 1936. He was interviewed in 1978 for senior Electrician for open cast mine in E&M but workers who were juniors to him were appointed as Electrician in excavation Category 'C' which is more than Cat. VI superseding Shri Panda. S/Shri Choudhury and Biswas who were in Cat. IV and III respectively were appointed as Electrician excavation Category C superseding the concerned workman. Only an experienced electrician is allowed to work in general shift and in all collieries Electrician who are to work in general shift are given Cat. VI. The concerned workman has to do all complicated repairs even in other shifts when there is breakdown of machineries requiring immediate repairs. There is no Electrician of Cat. VI in 7th Cross cut incline and as such the concerned workman Shri D. K. Panda is entitled to be placed in Cat. VI with effect from 1975.

The case of the workman regarding the other concerned workman Shri Astaf is that he was working as Fitter in 7th cross cut incline of Chasnalla Colliery in general shift since November, 1976 and in doing all complicated and important work of Fitter Cat. VI. The Electrician and Fitters, who always work in general shift have to do all types of complicated work and to keep all machineries in good order and as such all Fitters and Electricians working in general shift are given Cat. VI. Shri Astaf has to repair conveyors haulage, pumps, Amco compressors, ventilation. He has also to prepare haulage reports ventilation reports re-capping report etc. and has to submit weekly reports. The entire responsibilities for proper maintenance and repair of all types of machineries was on Shri Astaf and as such he is entitled to be placed in Cat. VI. A junior Fitter Shri Sukhdeo Sharma who was appointed in 1975 was given Cat. V in 1977 whereas Shri Astaf is still in Cat. IV.

The union represented the case of the two concerned workmen before the management vide their letter dated 14-11-86 but no reply was given to the union nor any action was taken on the representation. Thereafter the union raised an industrial dispute before the ALC(C), Dhanbad and on failure of conciliation, the present reference has been made to this Tribunal for adjudication. The demand of the union is that the concerned workman Shri Panda be placed in Cat. VI since January, 1975 and Shri Astaf in Cat. VI from 1976 and should be paid difference of wages and other attendant benefits.

The case of the management is that Shri D. K. Panda was appointed as Electrician in Cat. IV with effect from 2-12-74 and was promoted to the post of Electrician Cat. V with effect from 1977. He is performing the job of Cat. V after his promotion to the post of Electrician and he is not doing the job of senior Electrician in Cat. VI. He is not performing the duties of any higher post. The management has many experience and skilled electrician in Cat. VI and it does not require any more Electrician in Cat. VI. If and when any post of Cat. VI falls vacant in future the selection will be made on the basis of the trade test and interview

and at the said appropriate time the case of the concerned workman may be considered. The demand of the union for promotion of Shri Panda Cat. VI electrician is not justified.

The other concerned workman Md. Astaf was originally appointed as unskilled Mazdoor in Cat. II with effect from 2-4-71 and he was promoted as Mechanical Fitter Cat. IV with effect from 21-3-77. He has all along worked as Cat. IV Mechanical Fitter and has discharged duties as expected of such Cat. VI Mechanical Fitter after his promotion. A Mechanical Fitter is promoted from Cat. IV to Cat. V on the basis of selection and there is no question of a Cat. IV Mechanical Fitter getting a double promotion to the post of Mechanical Fitter Cat. VI. The management has a large number of Mechanical Fitters and there was no further need for Md. Astaf to perform the duties of any higher post than that of Mechanical Fitter Cat. IV. Even in Cat. IV there are a number of Mechanical Fitters senior to Md. Astaf and there is no question of giving him promotion after superseding Mechanical Fitter who are senior to him. The promotion policy committee of JBCCI has laid down rules for promotion of Electrician and Fitters to higher category step by step and according to those rules promotion to Cat. VI have to be based on merit-cum-seniority and trade test. There is no justification for placement of Md. Astaf in Fitter Cat. VI and the demand of the union is not justified.

The point for determination is whether the concerned workman D. K. Panda Electrician and Md. Astaf Fitter are entitled for their placement in Cat. VI by the management from 1975 and 1976 respectively.

The workmen examined two witness and the management examined one witness to prove their respective case. The documents of the workmen have been exhibited as Ext. W-1 to W-15 and the documents of the management are marked Ext. M-1 to M-5.

Admittedly, the concerned workman D. K. Panda was promoted to the post of Electrician Cat. V with effect from 31-3-77 and Md. Astaf was promoted as Mechanical Fitter Cat. IV with effect from 21-3-77. The case of the workmen is that Shri D. K. Panda was working as Electrician Cat. VI since January, 1975 and that Md. Astaf was working as Fitter Cat. VI since January, 1976 and as they have completed more than 6 months in the higher Cat. VI should be regularised in Cat. VI.

The case of Shri D. K. Panda was that formerly he was working in Bhowra colliery as Electrician Cat. IV and that he was assured by the management of IISCO at the time he was appointed as Electrician in Cat. IV in 1974 that he would be given Cat. V at the start and after one or two years he would be placed in Cat. VI. There is absolutely no document to show that any such assurance was given by the management of IISCO to the concerned workman. WW-1 D. K. Panda has stated that he was posted in 7th cross cut incline of Chasnalla Colliery and since then he was doing the job of senior electrician in Cat. VI. He has further stated that after completion of 3 months he asked for Cat. VI and thereafter he was told that he would be given the difference of Cat. IV and V and he got the difference of wages from May, 1975 to March, 1977 and in 1977 he was confirmed in Cat. V. He has stated that he again protested for increment in Cat. V whereupon he was told that he would be given Cat. VI but it was not given to him. He has not filed any petition to show that he had even raised his objection regarding his placement in Cat. VI any time prior to Ext. W-6 dated 14-11-93 which was sent to the Manager of Chasnalla Colliery by the Secretary of the Union of the workmen. It will also appear from his evidence that he was satisfied when he was given the difference of wages of Cat. IV and category V and was confirmed in Cat. V in 1977. He also did not produce any document to show that he had worked as Electrician in Cat. IV in Bhowra Colliery. MW-1 Shri S. Banerjee is presently working as Supdtg. Engineer of E and M department of Chasnalla Colliery. He has stated that in 1974 the management had not invited applications for the post of senior Electrician nor they had recruited anybody as senior Electrician. He has stated that the management recruited some electricians in 1974 in which the concerned workman was interviewed. MW-1 was one of the members of the selection committee and D. K. Panda was selected as Electrician Cat. IV. He has stated that the appointment letter was

to Shri Panda for the post of Electrician Cat. IV. Ext. W-1 is the copy of the appointment letter dated 2-12-74 shows that Shri D. K. Panda was offered the post of electrician and he was to be on probation for three months as to be confirmed on the same pay and grade on satisfactory completion of the probationary period. This appointment letter has been signed by the concerned workman in of the fact of his acceptance of the terms and conditions of the appointment. It will thus be clear that the concerned workman Shri Panda was appointed as Electrician Cat. IV and was to be on probation for 3 months and to be confirmed in the grade on satisfactory completion of probationary period. This appointment letter itself the falsity of the claim of Shri Panda that he was to be placed in Cat. V after a few months and was placed in Cat. VI after one or two years. MW-1 has stated that neither he nor Shri Luthar who were members of Selection Committee had assured Shri D. K. Panda that 3 months he will be given Cat. V. MW-1 has stated that Shri Panda was not designated as Senior Electrician and was no post of senior electrician in Chasnalla. MW-1 further stated that sometimes in 1975 the management to mechanise one face of seven cross cut incline and at time Shri Panda was given the difference of wages in Cat. IV and Cat. V but they did not succeed in raising the said incline. He has further stated that in 1979 Shri Panda was promoted to Cat. V but he did not protest at that time that he should be promoted to Cat. VI. The workmen have placed their reliance on Ext. W-3 dated 12-6-85 granted by Group Incharge Chasnalla Colliery to D. K. Panda. This is a certificate granted to the concerned workman only for appearing in the Electrical isory certificate of competency. He has stated in the certificate that D. K. Panda was working as an Electrician March, 1974 and at no place it has been stated in Ext. W-12 that the concerned workman D. K. Panda was working as Senior Electrician in Chasnalla Colliery. Thus certificate does not establish that the concerned workman was working as senior Electrician in Cat. VI. The workmen have relied on Ext. W-3 dated 19-10-79 which is an authorisation. It will appear from this authorisation that Shri Panda was authorised to work as Electrician at seven cross cut incline. In order to show that Panda was authorised as senior Electrician it appears that the word "Senior" placed before "Electrician" in first para of the authorisation Ext. W-3. I have come to this conclusion that "Senior" was put before "Electrician" in para-I because in para-2 of the said authorisation there is no word "Senior" placed before the word "Electrician". There was space prior to "Electrician" in para-I and as such the word "Senior" could be added there as there was no space prior to the word Electrician in Ext. W-3 the word "Senior" could not be placed before the word "Electrician". Had Shri Panda been authorised to work as Senior Electrician the concerned workman also must have written in the acceptance of the authorisation that he was accepting the authorisation of Senior Electrician. In my opinion, therefore, Ext. W-3 is not reliable. Ext. W-2 dated 21-4-79 is an interview letter to D. K. Panda and Ext. W-1 dated 29-3-79 is also an interview letter issued to Shri Panda calling him for interview for the post of senior Electrician. These exhibits do not show that Panda was not a senior Electrician and that he was being called for interview for the post of Senior Electrician. Ext. W-4 series are admittedly the pay slips issued to Shri Panda for the period he had worked as Senior Electrician Cat. V and as such he was paid the difference of wages of Cat. IV and Cat. V. Ext. W-5 is a notice issued to D. K. Panda along with others to show that he had won prize for safety-cum-production for the year 1983-84. It is also at Sl. No. 14 of South Mine/7 cross cut at Chasnalla Colliery that Shri D. K. Panda is shown as Electrician and not as Senior Electrician.

witness has come forward to support the case of Shri D. K. Panda that he was working as Senior Electrician Cat. V. It is stated by the workmen that Shri D. K. Panda was working in Cat. VI since 1975 but he had never raised objection that he should be regularised or placed in Cat. V prior to 14-11-83. No reason has been assigned as to why such long delay has been made in raising the dispute. It is evident that the concerned workman was appointed in Cat. V and was promoted as Electrician Cat. V in 1977 and has never disputed with his promotion prior to the time of the present dispute. I hold therefore that the

concerned workman has not been able to show that he was doing the job of Electrician Cat. VI.

Ext. M-3 is the cadre scheme by which the promotion is made to the E and M discipline. It will appear that an Electrician for being promoted to Cat. VI must be literate or Matric with ITI and that he must also possess H.T. permit (High Tension permit) for cable joining and over head line issued by the competent authorities applicable to mines and he must have three years experience as Electrician in Cat. V for being eligible for promotion to Cat. VI. It has been admitted by the WW-1 that he does not possess the H.T. certificate. He has also stated that H.T. permit is necessary for working on high tension line. It appears from Ext. W-13 that the concerned workman has sometimes worked on high tension line but under the rules an electrician cannot be taken the job of High tension line unless he possesses H.T. permit and the management has done irregularity in taking the job from Shri Panda on High Tension line. Only because the management has done an irregularity, it cannot be submitted that Shri Panda must be given Cat. VI although he does not possess H.T. permit as that would be violating the rules framed under the Mines Act.

The case of Shri Panda is that his juniors have been promoted superseding him. It will appear from the evidence of MW-1 that the management had selected some workmen from other department for earth moving equipment in 1978 and Shri Panda was also interviewed but was not found suitable. MW-1 has stated that Shri Prabir Choudhury and Biswas were also interviewed at that time and were selected for trainee Electrician automobile. He has further stated that Earth Moving department is altogether a separate department and the employees are separately considered for promotion. According to the case of the workmen Shri Biswas and Choudhury were in Cat. III and IV respectively and were appointed as Electrician in excavation Cat. C which is more than Cat. VI. Ext. M-3 will show in para-3.2 that the selection for the post upto Cat. V shall be on the basis of seniority-cum-merit and from Cat. V to Cat. VI on the basis of merit-cum-seniority. Thus in the promotion of Cat. VI from Category V the criteria for promotion is merit-cum-seniority and Shri Panda cannot claim promotion in Cat. VI only because he was senior to Shri Biswas and Choudhury. MW-1 has stated that Shri Panda was not selected and as such Shri Panda cannot now claim promotion in Cat. VI on the basis that he was senior to Shri Biswas and Shri Choudhury.

The case of the workmen is that one who works as Electrician in the general shift is given Cat. VI. There is no such criteria and the workmen have failed to show me any evidence by which I can come to the said conclusion. It is a controversial matter whether Shri Panda was working all along in the general shift as WW-1 has stated that Shri Panda also used to work in other shift. I hold therefore that the workmen have not been able to establish that Shri D. K. Panda was doing the job of Electrician Cat. VI so as to regularise or place him in Cat. VI.

So far the case of Md. Astaf is concerned he was promoted from Cat. II to Mechanical Fitter Cat. IV with effect from 21-3-77. It is submitted that since November, 1976 he is doing the job of Cat. VI. WW-2 is Md. Astaf and has stated about the job which he is doing but has not examined any co-worker to show that he was doing the job of Mechanical Fitter Cat. VI. He has also based his case on the basis that his juniors have been promoted in Cat. VI superseding him as Fitter Cat. VI. Ext. M-3 is the cadre scheme for E and M personnel. It will appear from Ext. M-3 that the chain of promotion of a Mechanical Fitter Cat. IV is to Mechanical Fitter Cat. V and from Cat. V to Cat. VI and that merit-cum-seniority is the criteria for promotion from Fitter Cat. V to Mechanical Fitter Cat. VI. It will further appear that for promotion from Fitter Cat. IV to Cat. V three years experience as Mechanical Fitter in Cat. IV is required and for promoting from Cat. V to Cat. VI three years experience as Mechanical Fitter in Cat. V is required. Admittedly, the concerned workman Md. Astaf has not been a Fitter in Cat. V for 3 years and as such he could not be promoted to Fitter Cat. VI. Ext. M-5 is the seniority list of Cat. IV Mechanical Fitter. It will appear that the Sl. No. of Md. Astaf is 15 and there are 14 senior Fitters to Md. Astaf. The seniority list Ext. M-4/1 of Fitter Cat. V will show that Shri S. D. Sharma was promoted to Cat. V on 21-11-76. Astaf was admittedly promoted in Cat. IV with effect from

21-3-77. Thus Shri S. D. Sharma who was promoted in Cat. V on 21-11-76 was senior in grade and category to Md. Astaf and the promotion of Shri Sharma to Cat. VI cannot be said to be in supersession to Astaf. WW-2 has stated that Sukhdeo Sharma was Cat. IV Fitter from 2-4-75 and he was promoted to Cat. V from 20-11-76. Thus it is clear that Shri Astaf cannot compare his case with the case of Shri Sukhdeo Sharma.

The seniority list of the Fitter Cat. IV is Ext. M-4 which shows that Md. Astaf is in Sl. No. 6 and that there are five other Mechanical Fitter in the said category who are senior to him. The promotion of Md. Astaf to Cat. V or Cat. VI without considering the case of his 5 senior in Cat. IV would be an injustice to them.

Shri Astaf WW-2 has stated that the reports Ext. W-8 to W-10 were made by him and that as he was preparing to report of the general shift in respect of the Haulage, he was entitled to Cat. VI. It is submitted on behalf of the management that these reports have to be given by the Fitters working in the shift and neither these reports nor the fact that Shri Astaf was working in the general shift could be used to support that Shri Astaf was doing the job of Fitter Cat. VI. MW-1 has stated that Astaf has to work on pump and haulage and he is not required to do the work of rope coupling or Haulage track. He has also stated that Astaf is required to prepare weekly reports like all other Fitters. He has further stated that all Fitters are to prepare daily inspection report and that they are authorised to maintain log books. He has denied that Astaf was doing the job of senior Mechanical Fitter. He has stated that there is no designation of senior Mechanical Fitter in seven cross cut. Ext. M-4 is the statement of existing strength of Mechanical Fitter and Fitter operator Cat. IV and Ext. M-4/2 is the statement of existing strength of Mechanical Fitter Cat. VI. He has also stated that Shri Astaf did not make any major repair of the equipment. Shri Astaf has not filed any objection to show that he had ever demanded for Cat. VI wages on the ground that he was doing the job of Fitter Cat. VI prior to the demand made by the Union Secretary in the month of November, 1983. Had Shri Astaf been working as a Fitter since 1976 he must have made demands for his regularisation and wages of Fitter Cat. VI. The case of Shri Astaf, in my opinion, does not appear to be justified as the management is not expected to take the job of Cat. VI from a Fitter Cat. IV when there are already other Mechanical Fitter of higher category than the Category in which Shri Astaf is working. Shri Astaf has filed a certificate Ext. W-15 but that will not be of any help in deciding that Shri Astaf was doing the job of Fitter Cat. VI.

In the result, I hold that the demand of the workmen that Shri D. K. Panda Electrician and Shri Astaf, Fitter be placed in Category VI by the management of Chasnalla Colliery of M/s. JISCO, is not justified and accordingly the concerned workmen are entitled to no relief.

This is my Award.

[No. L-20012/170/84-D.III (A)]

I. N. SINHA, Presiding Officer

का.आ. 645 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुसुन्दा कॉलरी, मेसर्स भारत कोकिंग कॉल लिमिटेड के प्रबन्धन के सम्बद्ध निरोजकों और उनके कर्मकारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2 धनबाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 9 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 645.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the

Annexure in the industrial dispute between the employers in relation to the management of Kusunda Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 9th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 27 of 1987

In the matter of industrial dispute under Section 10(1) (d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Kusunda Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri Lalit Burman, Vice-President, United Coal Workers Union.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 4th February, 1988

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/233/86-D.III(A), dated the Nil.

SCHEDULE

"Whether the action of the management of Kusunda Colliery of M/s. Bharat Coking Coal Limited in retiring from service their workman, Shri Regan Singh, Pump Operator on 17-12-1985 retrospectively from 1-7-1985 was legal and justified? If not, to what relief is the said workman entitled?"

The case of the workmen is that the concerned workman Shri Regan Singh was working in Kusunda colliery as Pump Operator since 1956. The management issued an identity card No. TR/50648 to the concerned workman in which his date of birth was mentioned as 1-7-1927. On 16-11-85 the concerned workman made an application to the Agent, Kusunda Colliery stating that there was printing of wrong designation in his pay slips and prayed for its rectification. The management took no action on the said application but the management stopped the concerned workman from work on and from 18-12-85 by issuing a letter dt. 10/17-12-85 stating that the concerned workman was retired from service with effect from 1-7-1925 retrospectively and that he would be paid the gratuity accordingly. It was further stated in the said letter that the concerned workman would get the wages and fringe benefits for the subsequent period from 1-7-85 to 17-12-85. The concerned workman protested against the said order vide his letter dated 20-12-85 to the Manager of Kusunda Colliery requesting that he may be allowed to resume duty and should be sent to the Apex Medical Board of the Company for assessment of his age as there was difference in the date of his birth mentioned in the identity card and the alleged age in the Form B Register. The management refused to consider the case of the concerned workman and thereafter an industrial dispute was raised by the union of the concerned workman before the ALC(C), Dhanbad, by his letter dt. 31-3-86. The contention of the management that the age of the concerned workman is noted as 46 years in 1971 in Form

Register is not correct. Under the Mines Act, 1952 the date of birth of a workman is recorded at the time of appointment. The concerned workman was originally appointed in 1956 and at that time his age was recorded in Form B Register. The age of the concerned workman is recorded in the C.M.P.F. record. The action of the management in retiring the concerned workman from service with retrospective effect from 1-7-85 is wrong and illegal. It is prayed that the concerned workman be reinstated with full back wages and other benefits from 18-12-85 the date he is allowed to resume his duties and that he could be referred to the Apex Medical Board of the company for determination of his age for the purpose of his retirement.

The case of the management is that the age of the concerned workman Regar Singh has been recorded as 46 years in the year 1971 in the statutory Form B Register maintained under the Mines Act and the concerned workman had put his LTI token of his acceptance of the correctness of the entries made therein. The age so recorded in the Form B Register has to be accepted as correct for the purpose of superannuation and the same cannot be challenged on any ground unless there is glaring difference between the age recorded in the Form B Register and any other statutory register of the management. The concerned workman was superannuated by letter dated 17-12-85 after the concerned workman had attained the age of 60 years which is the age of superannuation. The present management prepared its own Form B Register on the basis of Form B Register of erstwhile employers of several small mines belonging to former owners. Those smaller mines were amalgamated into one colliery and one Form B Register for the entire colliery was maintained. The C.M.P.F. returns are maintained by C.M.P.F. office and several workmen in collusion with the C.M.P.F. staff manipulated these returns. The management has its own statutory Form B Register and there is no necessity for the management to call for the C.M.P.F. return for the purpose of verification of his age. The Identity card is a copy of the identity card register which in turn is a true copy of Form B Register. On the above plea it has been submitted on behalf of the management that the concerned workman is not entitled to any relief.

The point for consideration is whether the concerned workman has been superannuated on attaining the age of 60 years on 1-7-85.

The management and the workman have each examined a witness in support of their respective cases. The workman has exhibited two documents namely Ext. W-1 and W-2 and the management have also exhibited two documents namely Ext. M-1 and M-2. Admittedly the concerned workman has been retired vide letter Ext. W-1 dt. 10-12-85 with effect from 1-7-85. The question to be decided is whether the concerned workman had completed 60 years on 1-7-85. MW-1 Shri M. K. Singh is working as Dy. M. in Kusunda colliery since 1987. He has stated that he has dealt with the case of the concerned workman. He has also exhibited the photo copy of Form B Register of Kusunda colliery which is marked Ext. M-1 on the record. It will appear from the entry of Sl. No. 289 of Ext. M-1 that the age of the concerned workman Regar Singh is entered as 46 years. MW-1 has stated that the said entry of age of the concerned workman as 46 years in Ext. M-1 is recorded in 1971. There is no mention of the year in Form B Register was prepared including the relevant entry in Ext. M-1. MW-1 was not working in Kusunda colliery at the time when Form B Register of Kusunda colliery was prepared and as such it was not possible for him to definitely say that Form B Register of Kusunda colliery was prepared in 1971. The evidence of MW-1, in whose mouth the case of the management has been put out appears to be incorrect regarding the fact that Form B Register was prepared in 1971. MW-1 has stated in his cross-examination that Kusunda colliery was taken over in 1971 and was nationalised subsequently in 1972. He has further stated that Kusunda Navadee and the Kustore Collieries were amalgamated to form Kusunda colliery. He has further stated that the amalgamation of the collieries to form Kusunda Colliery took place in 1971 soon

after the take over and that B.C.C.L. was formed after May, 1972. He has stated that Form B Register was prepared in 1971 just after take over in 1971. The Coking Coal Mines (Nationalisation) Act, 1972 came into force on 1-5-72 and the custodian had taken over the collieries on 17-10-71. Ext. M-1 will show that the entries in the Form B Register is in respect of Kusunda colliery of which BCCL was the owner. BCCL was formed after the nationalisation of the Coal Mines and that was sometime after 1-5-72. It is clear therefore that the entries in Form B Register of Kusunda colliery of M/s. B.C.C.L. was made sometime after 1-5-72 and as such the age of the concerned workman recorded in Ext. M-1 as 46 years cannot be of the year 1971 but it must be sometime after 1-5-72 when BCCL became the owner of Kusunda colliery and prepared its own Form B Register on the basis of the old Form B Register of the erstwhile management. Ext. W-2 is the identity card of the concerned workman which mentioned the date of birth as 1-7-1925. If this date of birth is taken into consideration the concerned workman will complete 60 years on 1-7-1987. It is submitted on behalf of the concerned workman that the management has retired him prematurely.

The original Form B Register of Kusunda colliery has not been produced by the management and a photo copy of the relevant page has been exhibited as Ext. M-1. MW-1 has stated that the original Form B Register of Kusunda colliery has been seized by the CBI and the photo copy of Ext. M-1 has been taken from the original Form B Register kept by the CBI. On the above ground it has been stated that the original Form B Register could not be produced. The case of the management that Form B Register of Kusunda colliery was prepared in 1971 is neither supported from Ext. M-1 nor from the fact that the Form B Register could not have been prepared by BCCL prior to rationalisation and amalgamation of the small collieries into Kusunda colliery. The first schedule prepared under Section 10 and 4 of Coking Coal Mines Act, 1972 will show in Sl. No. 109, 110 and 111 that Pure Kustore Nayadih Kusunda and Kusunda mines were all separate mines under different management at the time of nationalisation and that the amalgamation took place after nationalisation of those coal mines and as such Form B Register of Kusunda colliery could not have been prepared before nationalisation. It is clear therefore that the Form B Register of Kusunda colliery of which Ext. M-1 Forms part was not prepared in 1971 and was prepared sometime after May, 1972 and the age of the concerned workman recorded as 46 years in Ext. M-1 was in respect of the year in which Form B Register of Kusunda colliery was prepared.

It is submitted on behalf of the management that there is tampering in the identity card Ext. W-2 regarding the date of birth of the concerned workman. On perusal of Ext. W-2 it does not appear that the column date of birth is interpolated and tampered. MW-1 has stated that the date of birth is noted in the identity card register after calculating it on the basis of entry of age in Form B Register and that the date of birth in the identity card is noted on the basis of the entry in the identity card register. Thus in order to falsify the date of birth noted in Ext. W-2 the management should have produced at least the identity card register which is admittedly with the management to show that the date of birth noted in the identity card Ext. W-2 is not in accordance with the entry of date of birth of the concerned workman in the identity card register. No explanation has been given on behalf of the management as to why the said identity card register is not being produced by the management. In view of the non-production of the identity card register, it will not be wrong to presume that the date of birth of the concerned workman as noted in the identity card Ext. W-2 tallies with the date of his birth in the identity card register and as such the management has not produced the original identity card register.

Admittedly, there is entry of date of birth/age in Form A which is submitted in C.M.P.F. by a workman at the time the C.M.P.F. account is opened. The management neither produced the office copy of Form A from its own office nor called for Form A from C.M.P.F. office to show as to what age/birth of the concerned workman was recorded in it.

Thus on the evidence discussed above there is absolutely no reliable evidence adduced on behalf of the management to establish that the age of the concerned workman was 1-7-25 or that the age of the concerned workman was recorded as 46 years in 1971. In the circumstances the demand of the workmen that his case be referred to the Apex Medical Board for the determination of his age cannot be said to be unreasonable, in as much as there is no statutory record produced by the management to show that the concerned workman was either born on 1-7-25 or that he was aged 46 years in 1971 so as to retire him with effect from 1-7-85. The management therefore should get the age of the concerned workman assessed by the Apex Medical Board which could determine the age of superannuation of the concerned workman.

In the result, I hold that the action of the management of Kusunda colliery of M/s. B.C.C.L. in retiring the concerned workman Shri Regan Singh from service from 1-7-85 is not justified. The management is directed to get age/ date of birth of the concerned workman determined by the Apex Medical Board within one month from the date of publication of the Award. The superannuation of the concerned workman will depend on the determination of age by the Apex Medical Board. If it is found by the Apex Medical Board that the concerned workman had not completed his age of superannuation on 1-7-85 and his date of superannuation is assessed thereafter, the management will reinstate the concerned workman and pay him all the legal wages and other benefits till the date of superannuation assessed on the basis of the finding of the Apex Medical Board.

This is my Award.

I N. SINHA, Presiding Officer

[No. L-20012/233/86-D.III (A)]

का.आ. 646—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बरोरा कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 646.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Barora Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 3rd February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 30 of 1981

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PRESENT:

Shri I. N. Sinha, Presiding Officer.

PARTIES:

Employers in relation to the management of Barora Colliery of Messrs. Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad.

AND

Their Workmen.

APPEARANCES:

On behalf of the workmen: Shri S. Bose, Secretary, R.C.M.S., Dhanbad.

On behalf of the employers: Shri B. Joshi, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 28th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/43/75-D.III(A), dated, the 28th May, 1981.

SCHEDULE

"Whether the demand of the workmen of Barora Colliery of Messrs. Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad that Shri Jogendra Singh, Night Guard of Mandal's Kendawadih Section should be allowed to resume duty is justified? If so, to what relief is the said workman entitled?"

The case of the workmen is that the concerned workman Shri Jogendra Singh was working as a Night Guard in Mandal's Kendawadih colliery since prior to 31-1-1973. The said Mandal's Kendawadih colliery was a private non-coking coal mines whose management was taken over by the Central Government with effect from 31-1-73. The concerned workman was in the employment of Mandal's Kendawadih colliery on the date of its take over by the Central Government. He continued in the employment even after the take over without any objection from any quarter. The managerial and supervisory staff as well as the clerical and all other employees of the private owners of the colliery continued in their respective services after the date of take over. Mandal's Kendawadih Colliery was a small colliery and everybody knew each other and there was no possibility of any stranger slipping into the employment of the colliery after the date of take over on 31-1-73. All on a sudden without any written notice, the concerned workman was stopped from duty under orders of the new officers who were deputed by the Central Government from other collieries already nationalised and no reason was assigned for the stoppage of the work of the concerned workman with effect from 21-2-73. On enquiry the concerned workman was given to understand that the new management wanted to reduce the workers of the newly taken over collieries to enable them to employ workers from other collieries according to their choice. The concerned workman himself as well as the union of the workmen raised the demand before the management at various levels to allow the concerned workman to continue in his employment in the colliery but in vain. Thereafter the union of the workmen vide their letter dt. 6-7-73 represented the dispute before the ALC(C), Dhanbad who took up the matter with the parties for joint discussion and also asked the management to produce certain records of the colliery. During the course of joint discussion the management could not produce the record called for by the ALC(C). At the suggestion of the representative of the management the union agreed to refer the dispute before the advisory committee of the management and the case was accordingly withdrawn from the file of the ALC(C) Dhanbad. The matter kept pending for a very longtime before the Advisory committee but nothing came out till January, 1975 and thereafter the union of the workmen referred back the dispute before the ALC(C), Dhanbad vide letter dt. 21-1-75. The ALC(C) took up the matter in conciliation which ended in failure and on a failure report being sent to the Central Government, the Ministry of Labour referred the dispute for adjudication to this Tribunal. The action of the management in stopping the services of the concerned workman from duty of the colliery after take over is illegal, arbitrary and mala fide. It is prayed therefore that the concerned workman

should be allowed to resume duty with full back wages with effect from 21-2-73 till he is allowed to resume his duties with all other benefits to which he is entitled.

The case of the management is that the concerned workman was never an employee of Barora colliery. The Section of the colliery referred as Mandal's Kendwadiah section was a separate colliery during the time of private management as well as during the Government management with effect from 31-1-73. It became a section of Barora colliery after nationalisation of non-coking coal mines with effect from 1-5-73. Mandal's Kendwadiah colliery was a closed mine on the date of take over of the management of the colliery on 31-1-73. Except for certain essential staff and workmen required for preservation and protection of the mine other workmen were not employed in the mine. After the nationalisation all those persons came forward claiming for their employment on the ground that they were the ex-employees of Mandal's Kendwadiah colliery. Some of the workmen soon started working posing themselves as Peons, Night Guard, Channan etc. for 2 to 3 weeks after the take over and some of them even got their names entered in the wage sheets and got the wages in connivance with the clerks. The custodian during the course of checking the records and after making necessary enquiry did not permit all such false persons who intended to enter into the services by surreptitious means. The concerned workman was not a Night Guard of Mandal's Kendwadiah Colliery and he wanted to enter into the services surreptitiously after take over of the management of Mandal's Kendwadiah Colliery. He worked suo moto for one or two weeks but as soon as the facts were discovered, the custodian did not permit him to further work as he was never a workman of Mandal's Kendwadiah colliery prior to 31-1-73. He was also not a genuine worker in February, 1973. The concerned workman has no right to claim for employment. This is a belated reference having no basis. It is submitted that the demand of the workmen of Barora colliery for allowing the concerned workman Jogendra Singh to resume duty is without any basis and as such the concerned workman is not entitled to any relief.

The point for consideration is whether the concerned workman should be allowed to resume his duties and in this connection it has to be seen whether he was working as Night Guard in Mandal's Kendwadiah colliery on the date of take over.

The workmen examined two witnesses and exhibited documents which are marked Ext. W-1 to W-4. The management neither examined any witness nor produced any document.

The concerned workman had admittedly worked for a few weeks after the take over of Mandal's Kendwadiah colliery. The management has stated in para 8 of their WS and para 4 of their rejoinder that the concerned workman had worked for one or two weeks in February, 1973. It is further stated that the custodian did not permit him to work further as soon as it was discovered that he was not working as Night Guard in Mandal's Kendwadiah colliery. It is therefore undisputed that the concerned workman had worked for sometime after the take over. The case of the workmen is also that he had worked upto 21-2-73 and thereafter he was stopped from work.

WW-2 is the concerned workman Jogendra Singh. He has stated that he was working as Guard in Mandal's Kendwadiah colliery and had worked for 2 to 3 years prior to the take-over of the said colliery. He has further stated that three weeks after the take over of the said colliery, he was stopped from work along with some other persons. In cross-examination he has stated that he was not contributing towards the CMPF when he was working as a Guard. He has stated that he was getting a salary of Rs. 75 per month and did not get any other amount in addition to his salary. He does not possess any letter of appointment nor any paper with him to show that he had worked at Mandal's Kendwadiah colliery prior to the take over. He has asserted that he had received three weeks salary after the take over. He has further stated that he was working as Night Guard in the office of Mandal's Kendwadiah colliery and has denied that the office of Mandal's Kendwadiah colliery was closed. WW-1 Shri Inderdeo Singh is working as Sr. Overman in Barora colliery. He has proved some documents. He has also

of Mandal's Kendwadiah colliery including the concerned workman was stopped work and thereafter he had raised the dispute before the management in respect of this workman. He has also stated that when the management did not concede to their demand they raised an industrial dispute before the ALC(C). There is nothing in the cross examination of WW-1 to fasten his evidence regarding the facts that the concerned workman was working in Mandal's Kendwadiah colliery.

WW-1 has stated that Shri Unit Pd. Singh was the Branch Secretary of K.C.M.S. at Barora who had written a letter Ext. W-2 to the Chief Industrial Relations and Personnel, Dhanbad under his signature. He has also stated that an Area screening committee was constituted for screening out the disputed workman. He has also proved the letter Ext. W-3 dated 30-7-73 of Shri Unit Pd. Singh as Branch Secretary to the Convenor Area Advisory screening committee. Ext. W-2 dt. 28-5-74 shows that Shri Unit Pd. Singh Branch Secretary wrote a letter to the Chief Industrial Relations and Personnel Vinay Building, Jharia, Dhanbad stating that his union had raised an industrial dispute against illegal termination of the concerned workman and two others before the ALC(C), Dhanbad and that during the conciliation it was pointed out by the ALC(C) that the issue should be taken up before the Area Advisory Committee and thereafter by dropping the same at the ALC(C) level the issue was taken up at Area Advisory committee level where the committee gave its decision for reinstatement of Dhaneswar Singh. But the case of the concerned workman and others were left to be decided to higher level. It was requested that the case of those workmen which have not been decided so far be settled at the earliest. Ext. W-3 dt. 30-7-75 is a letter by Shri Unit Singh Branch Secretary to the Convenor Area Advisory/Screening Committee regarding the illegal and arbitrary stoppage of work of the concerned workman Jogendra Singh, Night Guard and three others of Mandal's Kendwadiah Colliery requesting to place their case in the next meeting of the Area Advisory Screening Committee for settlement of their case. It will appear from this letter that the services of the concerned workman and three others were terminated by the Managers letter dt. 21-2-73 treating them as inductees and the Branch Secretary had also enclosed some papers with the said letter to prove that those workmen were not inductees and that they were regular employees of the colliery. Ext. W-4 dt. 21-2-75 is the comment of Shri D. T. Jani, Manager, Barora colliery to the ALC(C) Dhanbad in respect of the wrongful termination of services of the concerned workman and two others. It is stated in the comment that the Manager of Mandal's Kendwadiah colliery replied vide his letter dt. 9-2-73 that the concerned workman and two others never worked in the colliery and were inducted on 31-1-73 without his knowledge. It is further stated that the Manager of Mandal's Kendwadiah colliery had submitted an initial list of man power of his colliery to the Custodian vide his letter dt. 23-2-73 wherein it was found that the names of the concerned workman and two others were deleted by the Manager of that colliery while declaring them as inductees. It is further stated that the matter was scrutinised by the screening committee and it was confirmed that the concerned workman and two others were inducted on 31-1-73 as a result they were removed from employment of the collieries by the order of the custodian. He has stated that the matter was also referred to the Area Advisory Committee for consideration of the disputed case of the concerned workman but was rejected as the genuineness of his case could not be established for want of evidence. The management through Shri D. T. Jani, Manager, Barora Colliery has based the case of stoppage of the concerned workman on the basis of initial list of man power of Mandal's Kendwadiah colliery, report of the screening committee and the decision of the Area Advisory Committee. But none of these papers have been produced by the management to show that the name of the concerned workman was not in the man power list of Mandal's Kendwadiah colliery which was prepared at the time of take over or that the screening committee and the Area Advisory Committee had held that the concerned workman was inducted on 31-1-73 and was not working as a Night Guard in Mandal's Kendwadiah colliery prior to the take over. The management has also not produced the Form B Register of Mandal's Kendwadiah colliery which must have been handed over at the time when Mandal's Kendwadiah colliery was taken over by the Government. There is no explanation from the management as to why Form B Register of Mandal's

shown whether the name of the concerned workman was included in the said register or not. From para 2 of Ext. W-4 itself it will appear that the Manager of Mandal's Kendwadih Colliery had submitted an initial list of manpower to the custodian vide his letter dt. 23-2-73 wherein the name of the concerned workman was written and the same was deleted by the Manager of the colliery, at the time of declaring the concerned workman as an inductee. It is clear therefore that the name of the concerned workman was included in the man power list of Mandal's Kendwadih colliery which was supplied to the custodian by the Manager of Mandal's Kendwadih colliery at the time of take over and that the name of the concerned workman was penned through when the concerned workman was declared as inductee. Thus it appears that the name of the concerned workman was in the man power list of Mandal's Kendwadih colliery and it continued in the list till it was penned through. There is no evidence to show as to how the name of the concerned workman was surreptitiously entered in the man power list of Mandal's Kendwadih colliery. The management was in possession of the man power list, screening list, Form B Register but they have not been produced and no explanation has been given as to why they have been withheld. It is also admitted that the concerned workman had worked for some time on the basis of the inclusion of his name in the man power list of Mandal's Kendwadih colliery. No evidence has been adduced before me to show that the concerned workman was not working as Night Guard in Mandal's Kendwadih colliery and the evidence of WW-1 and WW-2 has remained unassailed.

It has been submitted that Mandal's Kendwadih colliery was a closed mine at the time of take over. The concerned workman WW-2 has stated in his cross-examination that he had not worked in the mine of Mandal's Kendwadih colliery and was working as Night Guard in the office of Mandal's Kendwadih colliery. In para 5 of the W.S. of the management it is stated that Mandal's Kendwadih colliery was a closed mine on the date of take over of the management of the colliery on 31-1-73 and that except for certain essential staff and workmen required for preservation and protection of the mine all other workmen were not employed. The evidence of WW-2 is in accordance with the facts stated in para 5 of the W.S. of the management. The concerned workman has clearly stated that he was not working in the mine but was working as Night Guard in the office. It was necessary to put some Night Guard for the safety of the office and the materials kept in the office and for that purpose Night Guard must have been appointed by the colliery. The management has not stated that there was any other Night Guard or watchman to guard the office of Mandal's Kendwadih colliery. In this view of the matter it appears that the facts stated by WW-2 are correct.

In view of the facts evidence and circumstances which was come on the record it will appear that the concerned workman was working, as Night Guard in the office of Mandal's Kendwadih colliery and therefore his name was included in the man power list supplied to the custodian at the time of take over of the said mine and as such the concerned workman continued to work for few weeks after the take over. There is no evidence adduced on behalf of the management to falsify the fact that the concerned workman was not working as Night Guard in Mandal's Kendwadih colliery since before the take over or that he was not working as a Night Guard on the date Mandal's Kendwadih colliery was taken over by the Government.

In the result, I hold that the demand of the workmen of Barora colliery of M/s. B.C.C.L. that the concerned workman Shri Jogendra Singh, Night Guard of Mandal's Kendwadih section should be allowed to resume duty is justified.

On perusal of the ordersheet of the case it will appear that there has been a great delay in disposal of the case on account of the fact that the concerned workman was shelving the matter for such a long time. It appears that the concerned workman to whom the union wanted to examine was not coming for evidence in the case and as stated by WW-1 he had to send a messenger to call for the concerned workman and thereafter the concerned workman could be examined in the case. It was for the concerned workman that the case disposed of at an

early date but instead of helping in early disposal of the case the disposal was being delayed for such a long time. In this view of the matter I am not inclined to allow the wages during the pendency of this reference. The management is directed to reinstate the concerned workman in his job with effect from 21-2-73 with full back wages from 21-2-73 till May, 1981 within one month from the date of publication of this Award. However, the management will give him the wages and other benefits to which he is entitled from the date he joins on production of certificate of his identification from B.D.O./Anchal Adhikary and Mukhiya of the Gram Panchayat with his photo attested by them.

This is my Award.

[No. L-20012/43/75-B.III(A)]

I. N. SINHA, Presiding Officer

का.आ. 647 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्द्रा बंसजोरा कॉलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 647.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 9th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 214 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. K. Ghose, Member, Executive Committee Janta Mazdoor Sangh.

On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 29th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/77/86-D III(A), dated, the 1st July, 1986.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Sendra Bansjora Colliery of Bharat

Coking Coal Limited should pay their workmen, S/Shri Shyamlal Jaiwsara and Salabu Chamar, Tyndel Mazdoors wages in a proper scale of their entitlement together with annual increments, following their regularisation in February, 1983, is justified? If so, to what relief are these workmen entitled?"

Soon after the receipt of the order of reference the same was registered as Ref. No. 214 of 1986. Subsequently both the parties appeared before me and filed a Joint petition of compromise. I heard the parties on the said petition and I find that the terms contained therein are fair and proper. Accordingly I accept the same and pass an Award in terms of the settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/77/86-D.III(A)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 214/86

Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL.

AND

Their workmen (represented by Janta Mazdoor Sangh).

The humble joint petition of compromise on behalf of the parties most respectfully beg to state as under:—

1. That the Central Government in the Ministry of Labour New Delhi by a Notification No. L-20012(77)/86 D.III(A) have referred the instant industrial dispute to this Hon'ble Tribunal for an adjudication U/s. 10(1)(d)(2A) of the Industrial Dispute Act 1947 as per schedule noted below:—

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Sendra Bansjora Colliery of M/s. BCCL should pay their workmen S/Shri Shyamlal Jaswara and Salabu Chamar, Tyndal Mazdoors, wages in a proper scale of their entitlement together with annual increments, following their regularisation in February 1983 is justified? If so, to what relief are these workmen entitled?"

2. That the parties discussed the dispute mutually between themselves and have settled it on the following terms and conditions:—

- (i) That S/Shri Shyamlal Jaswara and Salabu Chamar both were employed as Miner/Loader in Gr. VA.
- (ii) That S/Shri Shyamlal Jaswara and Salabu Chamar have since both been regularised as Timber Mazdoor, with effect from 2nd February, 1983 by a letter No. 231 dated 15th February, 1983.
- (iii) That it was agreed that the two workmen concerned shall be given all due benefits as per rule to them by the management.
- (iv) This settlement resolves all the disputes between the parties.
- (v) The workmen concerned shall not be entitled to any other claim or benefit relief whatsoever.
- (vi) That the settlement is fair and proper.
- (vii) That it was agreed that the Hon'ble Tribunal may be requested to pass an award in terms of the settlement.

It is, therefore, prayed that your honour may be graciously pleased to hold that the settlement as fair and proper

and pass an award in terms of the settlement and for this act of kindness the parties shall ever pray.

Representing employer

Workman :

Representing workmen

(1) Sd/- illegible

(1) Sd/- illegible

(2) Sd/- illegible

(2) Sd/- illegible

Witnesses :

(1) Sd/- illegible

(2) Sd/- illegible

नई दिल्ली, 22 फरवरी, 1988

का.आ. 648 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तैतुरिया कॉलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 फरवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1988

S.O. 648.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Tetturiya Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 12th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 50 of 1984

PARTIES :

Employers in relation to the management of Tetturiya Colliery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 29th January, 1988

AWARD

By Order No. L-20012(118)/84-D.III(A), dated, the 30th July, 1984, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d)

of sub section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

Whether the action of the management of Tetturiya Colliery of Messrs Bharat Coking Coal Limited, in dismissing from service Sarvashri Harihar Ahir, Bharat Bhuiya, Lotan Ahir, Paru Bhuiya, Mohammad Jalil and Ashrifi Thakur, Trammers, was justified? If not, to what relief are these workmen entitled?

2. The case of the management, details apart, is as follows :

The concerned workmen, Harihar Ahir, Bharat Bhuiya, Lotan Ahir, Paru Bhuiya, Mohammad Jalil and Ashrifi Thakur were working as trammers of Tetturiya Colliery. On 3rd September, 1981 at about 4 p.m. when S/Shri Md. Safi, Bhikhan Mahato, Soman Mahato, Tekoo Kumhar and Asgar Mia, all Miners/Loaders, landed at the Pit top and were coming out of the cage, the concerned workmen jointly and severally assaulted them. On the written complaint received from the assaulted Miners/Loaders, the management issued charge-sheets to all the concerned workmen individually on 3rd September, 1981. All of them submitted individual replies/explanations to the charge-sheets denying the charges levelled against them. The management was not satisfied with the replies/explanations submitted by the concerned workmen and decided to hold departmental enquiry which was done by Shri M. C. Yadav, Senior Personnel Officer of Dharmaband Colliery. Sri Yadav held the departmental enquiry into the charges levelled against the concerned workmen and in doing so, he observed all the principles of natural justice. The concerned workmen were permitted to take the assistance of a co-worker in the departmental enquiry. They were given full opportunity to cross-examine the witnesses for the management, to produce their own defence witnesses and to make their own statements in support of their defence. As a matter of fact, they were given full opportunity to defend themselves by adducing evidence, both oral and documentary. After conclusion of the enquiry the Enquiry Officer submitted his report holding that the concerned workmen were guilty of charges of misconduct levelled against them. Since the misconduct as proved in the departmental enquiry was very grave in nature, the concerned workmen were dismissed from service by letter dated 12th May, 1983. The management has asserted that the departmental enquiry was fair and proper and it is sustainable both as preliminary issue and on merit.

3. The concerned workmen are represented by their union styled Janita Mazdoor Sangh. The union submitted written statement on behalf of them. The written statement submitted by the union discloses as follows :

On 3rd September, 1981 at about 2 p.m. there was an altercation between some Miners and Trammers over supply of empty tubs. The group of miners headed by S/Shri Md. Safi, Bhikhan Mahato, Soman Mahato, Tekoo Kumhar and Asgar Mia accused the trammers of deliberately delaying the supply of empty tubs. The trammers shifted their responsibility to shortage and delayed return of empty tubs to underground. These two groups of workmen continued to perform their respective duties till the end of the shift at 4 p.m. even after the occurrence of altercation between the two groups of workmen. It may be possible that a hot exchange of words might have ensued when the miners/loaders came face to face with some trammers, but the management lend it the colour of a 'Clash' and provided an F.I.R. to the police on 3rd September, 1981. The concerned workmen were charge-sheeted by the management for alleged misconduct of fighting, indecent and disorderly behaviour and also breach of Mines Act or any other Act, Rules or Regulations related to the Mines Act, on the basis of a complaint of some miners without making any preliminary enquiry. The explanations submitted by the concerned workmen, though found to be reasonable and satisfactory was ignored by the management. The management held a departmental enquiry which was not fair and proper. Findings of the Enquiry Officer based on evidence is inconsistent and unreliable. Since the Enquiry Officer found the concerned workmen guilty of the misconduct alleged against them, the management dismissed them from service with effect from 12th May, 1983. The action of the management is discriminatory and vindictive as the concerned

and the rival group of workmen were the members of Rashtriya Colliery Mazdoor Sangh. In the circumstances, the union has prayed that the concerned workmen should be reinstated in service with effect from 12th May, 1983 with full back wages and other benefits.

4. In the rejoinder to the written statement of the workmen as submitted by the union, the management has stated that prima facie, verification of the complainants was done before issue of chargesheets and it was not a fit case for holding preliminary enquiry before issuing charge sheets to the concerned workmen and so no preliminary enquiry was held. The management has further stated that it was not aware to which union the workmen involved in this dispute belonged. The management has further stated that the concerned workmen made attempt to harass the miners/loaders by not supplying sufficient number of empty tubs to enable them to earn more wages with an ulterior motive and the matter was reported to the mines' officials who in their turn warned the concerned workmen. With regard to supply to tubs the case of the management is that after intervention of mines' officials, the concerned workmen supplied the tubs and there was no trouble inside the mine. The concerned workmen committed serious misconduct by assaulting their co-workers without any provocation of any kind.

5. In the rejoinder to the written statement of the management the union has submitted that the action of the management on the basis of perverse finding of the Enquiry Officer is illegal and unjustified.

6. The management, in order to sustain its action against the concerned workmen, has laid in evidence the proceedings of the domestic enquiry which have been marked Exts. M-1 to M-12 and examined the Enquiry Officer, Sri M. C. Yadav, now holding the post of Dy. Personnel Manager.

The concerned workmen, on the other hand, have not examined any witness; they introduced in evidence the judgement passed in G. R. Case No. 842/81 corresponding to T.R. No. 1113 (Ext. W/1).

7. Shri J. P. Singh, Advocate, appearing for the concerned workmen, has submitted that the chargesheet is bristled with vagueness and infirmity inasmuch as it has not been spelt out therein as to the nature of weapon used allegedly to assault the complainants and the management misdirected itself by quoting wrong provision of Standing Order and Mines Act/Regulations and thereby has prejudiced the defence. He has further submitted that no motive for the commission of the act complained of is emerging from the materials on record and that being so, the case of the management against the concerned workmen has no strong ground to rest upon. He has pointed out that although the Enquiry Officer relied on the discharge certificate issued by the doctors, the management did not produce the doctors concerned for cross-examination by the concerned workmen. He has also pointed out that the Enquiry Officer did not consider the F.I.R. provided by Sri B. N. Dubey, Personnel Officer, Tetturiya Colliery on 3rd September, 1981 to the Officer-in-Charge, Sonardih F.O.P. and by doing so, he has totally lost the entire perspective of the case. According to him, the evidence of the witnesses for the management is at variance with one another and as such no reliance can be placed upon it. The conclusion of the Enquiry Officer, according to him, is perverse and not justified by the evidence on record and this Tribunal should interfere with the findings of the Enquiry Officer and set aside the order of dismissal passed by the management.

8. Shri B. Joshi, Advocate, appearing for the management has contended that the allegations of misconduct as incorporated in the chargesheet is clear and sufficient and it does not bristle with any vagueness or infirmity as alleged although the provisions of the relevant Standing Order or Mines Regulations have been misquoted therein. He has submitted that the conclusion reached by the Enquiry Officer upon the evidence on record is not perverse, but fair and justified, and accordingly, the action taken by the management against the concerned workmen is also justified. He has contended that there was no necessity to hold any preliminary enquiry before issuing charge-sheet and that the of

9. Admittedly, the concerned workmen were working as trammers in Tetturiya Colliery before their dismissal from service, and, complainants, namely, Md. Safi, Bhikhan Mahto, Sonam Mahato, Teko Kumhar and Asgar Mia were all working as miners/loaders in the colliery. Miners/Loaders are piece-rated workers. There is nothing in evidence to indicate that the concerned workmen were not piece-rated workers, on the contrary it is garpered on evidence that they were working in groups and so it may be that they were piece-rated workers working in the colliery at the relevant time.

10. The written statement of the management discloses that the occurrence took place on 3rd September, 1981 at about 4 p.m. at the Pit Top while complaints—miners were coming out of the cage and landed on the surface. The written statement of the concerned workmen discloses that at about 2 p.m. on the same date there ensued an altercation between some miners and trammers over supply of empty tubs. The written statement of the management has not specifically denied this fact, but has laid the odium on the concerned workmen by stating that they made attempt to harass miners/loaders by not supplying sufficient number of empty tubs to enable them to earn more wages with ulterior motive and mines' officials had to warn them. The evidence on record discloses that actually the occurrence of altercation ensued between the miners and trammers on that date at about 2 p.m.

11. Although the management in its written statement attempted to provide the motive of the concerned workmen for the occurrence by stating that they made attempt to harass miners/loaders by not supplying sufficient number of empty tubs to earn them more wages with ulterior motive, the evidence on record does not disclose any such motive or facts suggestive of such motive. On the contrary all the complainants have stated during the domestic enquiry that they did not know why the occurrence came about. There is no evidence on record to establish or indicate the fact that the concerned workmen were warned by the Mines' officials for their alleged attempt to harass the miners/loaders. This being so, I come to the conclusion that the management could not prove at all an inking motive on the part of the concerned workmen to precipitate an issue manifested by the occurrence as alleged.

12. Admittedly, the management did not hold any preliminary enquiry before issuing charge-sheets to the concerned workmen. The plea of the management in its rejoinder to the written statement of the workmen is that it was not a fit case for holding preliminary enquiry before issuing charge-sheet, but, prima facie, verification of the complainants was done before issuing the chargesheets. It appears from the evidence that immediately after the occurrence at about 4 to 4.15 p.m. on 3rd September, 1981, Sri B. N. Dubey, Personnel Officer, Tetturiya Colliery provided written information to the Officer-in-charge, Sonardih T.O.P. stating that two sections of workers of Tetturiya Colliery had clashed as a result there was serious bodily injury to some persons and further trouble was apprehended. Sri Dubey requested the Officer-in-Charge to take necessary action to prevent apprehended further clash. On the same date the complainants provided information in writing to the Manager, Tetturiya Colliery, complaining that on 3rd September, 1981 when they were coming out of Pit No. 2 after doing their job in the first shift, they were dragged one by one by the concerned workmen who assaulted them with lathi and sleeper. They also reported that all of them had been injured (Ext. M-3). In their replies to the chargesheets the concerned workmen have stated that they were assaulted by the complainants and the reports of the assault were submitted to the Manager. Thus, it is obvious that the management was in possession atleast three different versions of the occurrence and still they did not consider to hold any preliminary enquiry before framing the charges. Preliminary enquiry is prima facie fact finding enquiry with a view to satisfy whether any disciplinary action against the workmen should be launched or not. In the context of facts and circumstances of the present case, the management should have held preliminary enquiry before issuing the charge-sheet to the concerned workmen. There is no evidence on record to support the fact as alleged by the management that prima facie verification of the complainants was done before issuing charge-sheet.

13. It appears that upon receipt of the complaint/report of the complainants the management leapt into action and decided to issue chargesheet to the concerned workmen in hot haste with order of suspension upon them without holding preliminary enquiry. Accordingly, the chargesheets (Ext. M-1 series) were issued to each of the concerned workmen on the following terms:

"It is reported that on 3rd September, 1981 at about 4 p.m. in 1st Shift you along with your co-trammers of your shift, namely, S/Shri Lottan Ahir, Harihar Ahir, Paroo Bhuian, Bharath Bhuian and Md. Jalal, Mine who was also deputed as trammer have beaten S/Sri Md. Safi Mian, Bhukhan Mahato, Somar Mahato, Tekoo Kumhar and Asgar Mian all Miner/Loader of 1st Shift at the Pit Top while they were coming out from the mine through the cage.

Your above act of amounts to misconduct under the certified standing orders applicable in the colliery.

You are therefore charged with the following misconducts:

1. Under Sec. 27 (5) for fighting, indecent and disorderly behaviour.
2. Under Sec. 27(19) for breach of India Mines Act or any other Act, Rules and regulations related with the Mines Act.

Please show cause within 48 hours of the receipt of this letter as to why disciplinary action will not be taken againsts you.

You are hereby suspended pending completion of the enquiry."

In the chargesheet the allegation was that the concerned workmen had beaten up the complainants on 3-9-81 at about 4 p.m. while the complainants were coming out of the mine through the cage. The chargesheet further reveals that the Act of the concerned workmen was considered to be misconduct under certified Standing Order applicable to the colliery and, therefore, all of them were charged with misconduct-(i) under Section 27(5) for fighting, indecent and disorderly behaviour; and (ii) under Section 27(19) for breach of Indian Mines Act or any other Act, Rules and Regulations related with the Mines Act

14. Sri B. Joshi, Advocate, for the management has Submitted that Model Standing for the Coal Mining Industry is applicable to the colliery, here is no such section as Section 27 in Model Standing Order for Coal Mining Industry. There is no provision for disciplinary action for misconduct in Order 27 of such certified Standing Order. Anyway, Order No 17(r) of Model Standing Order for Coal Mining Industry envisages provision for disciplinary action for misconduct on the ground of threatening, abusing or assaulting any superior or co-worker Chapter V of the Coal Mines Regulations provides for duties and responsibilities all workmen, competent persons and officials and Regulations 38(4) envisages that no person shall, while on duty throw any stone or other missile with intend to cause injury, or fight or behave in a violent manner. Thus it is seen that there was ample scope for the concerned workmen to be misguides by erroneous quotation of the provision of the Standing Order and Coal Mines Regulations. But the pith and marrow of allegation of the management against the concerned workmen was that they assaulted the complainants on 3-9-81 at about 4 p.m. while they were coming from the mine through the cage, the being so, the concerned workmen could inform themselves of the allegations against them although the provisions of the Standing Order and Coal Mines Regulations were erroneously quoted in the chargesheet and thereby leaving a trail of confusion

Sri J. P. Singh has complained that the chargesheets do not mention the weapon used for commission of alleged misconduct. But I consider that it is not necessary since the chargesheets have spelt out that the complainants were the assaulted by the concerned workmen.

15. It appears from the proceedings of the domestic enquiry that all the concerned workmen submitted their explanations to the chargesheets issued against them stating that on 3-9-81 they were in the 1st shifts and were doing their job along with other trammers and as per advice and order of the Munshi of the Shift the empty tubs were supplied by them in different faces of the mine, but S/Sri Md. Safi, Asgar Mia and Bhikhan Mahato with others started abusing them in filthy language and at this the concerned workmen told them that instead of abusing them, they should see the munshi concerned for supply of empty tubs. But S/Sri Md. Safi, Asgar Mia and Bhikhan Mahato along with others started assaulting them and they could save themselves with other miners and trammers present in the spot. They have stated that after coming out of the mine they went to the union representative to have the report of the incident written in order to submit the same to the Manager and that the report of assault on the concerned workmen were submitted to the Manager along with many witnesses for necessary action. The concerned workmen complained to the Manager in their explanations to the chargesheets that the intention of the management was surprising to them as the wrong does were left untouched while the concerned workmen had been chargesheeted without any fault of theirs. In their written statement the concerned workmen has stated that this action of the management is evidently discriminatory and vindictive on account of their membership and support to Janta Mazdoor Sangh while the rival group i.e. complainants involved in the clash were members of Rashtriya Colliery Mazdoor Sangh. In answer to this allegation the management has taken the plea that it was not aware if the concerned workmen were members of Janta Mazdoor Sangh or an other union and the complainants belonged to Rashtriya Colliery Mazdoor Sangh or any other union. But in their evidence in the domestic enquiry some of the complainants have admitted that they belonged to the union of the Congress party. It is common knowledge that Rashtriya Colliery Mazdoor Sangh is the trade union wing of Congress. The Enquiry Officer has also written in his proceeding that he received information from Sri A. Zabbani, Branch Secretary, Rashtriya Colliery Mazdoor Sangh (Ext. 32 in domestic enquiry) that complainants Bhikhan Mahato, Asgar Mia and Md. Safi were not in a position to attend domestic enquiry as they were detailed for duty in the 1st Shift. He received another information from Sri A. Sabhan, Branch Secretary, Janta Mazdoor Sangh (Ext. 33 in domestic enquiry) informing him that the concerned workmen were not in a position to attend the domestic enquiry on account of their duty in the 1st Shift. Sri M. C. Yadav, the Enquiry Officer has stated in his testimony before this Tribunal that he was not aware which union the concerned workmen belonged to and which union the complainants belonged to. I have already stated that some of the complainants have admitted in domestic enquiry that they belonged to the union of the Congress party i.e. Rashtriya Colliery Mazdoor Sangh. The Enquiry Officer received information from the Secretary of Janta Mazdoor Sangh informing him that the concerned workmen were not in a position to attend domestic enquiry on account of their duty in the 1st Shift. This evidence is clearly indicative of the fact that the Enquiry Officer and for the matter of that the management were aware of the trade union affiliations of the complainants and the concerned workmen.

16. It appears that all the complaints have examined themselves in domestic enquiry. Besides, they have examined Pritam Singh, Moniruddin Mia, Khubi Kumhar and Resho Mahato in support of their case. The concerned workmen made statements in support of their innocence and examined two witnesses, namely Bandhu Bhuia and Bhola Bhar.

Complainant Somar Mahato has stated in his deposition before the Enquiry Officer that he was working as miner at Pit No. 2 on 3rd September, 1981 and at about 4.25 p.m. when he came outside Harihar Ahir, one of the concerned workmen gave order to beat him whereupon he asked as to what his fault was. But the concerned workman started assaulting him with lathi and he fell down on the ground and his hand was broken and Resho Mahato brought him unconscious. It is his further statement that he saw Pritam Singh, Lumpman, Sohan Das, W/F Khalasi, Munarik Mahato, Mining Sirdar present there and his friend brought him to the office where he reported the incident to the Manager

who advised him to go to the dispensary. He went to the dispensary where Sri Akhtar gave him injection, bandaged his hand and sent him to the Katris Hospital where his hand was X-rayed. No X-ray report was produced at the time of domestic enquiry. The other complainants have not stated anything in support of the fact that Somar Mahato was assaulted by the concerned workmen. Resho Mahato was produced as witness by Somar Mahato in domestic enquiry. He has stated that he saw fighting was going on in the lift and Somar Mahato and Teko Kumhar were assaulted by the concerned workmen and they brought Somar Mahato and Teko Kumhar to the hospital. Thus, it is seen that, according to Somar Mahato, the assault took place at the Pit Top while the evidence of Reso Mahato discloses that fighting was going in the lift and the concerned workmen assaulted Somar Mahato and Teko Kumhar. Thus, it appears that the place of assault as mentioned by Somar Mahato is at variance with that as stated by this witness. The Enquiry Officer has stated in his testimony that he did not inspect the cage because he was aware that it was possible for one group of workmen to clash with another group inside the cage having the capacity of 11 persons in all. But it transpires from evidence that at the relevant time since the duty of workers detailed in the 1st shift came to an end, there was many inside the cage. In such circumstances, the Enquiry Officer should have inspected the cage to ascertain whether fighting in the cage in such situation was possible or not. However, by deciding that it was possible to fight inside the cage, the Enquiry Officer relied on his personal knowledge which he should not have done as an Enquiry Officer. Khubi Kumhar, a miner/loader, was brought by Somar Mahato as one of the witnesses. But Somar Mahato has not stated anything in his statement that Khubi Kumhar was present on the occasion. However, this witness have claimed to have seen the concerned workman Lotan Ahir beating up Somar Mahato and Teko Kumhar and the concerned workman Ashrofi Thakur beating up Teko Kumhar. As I have stated before, Somar Mahato has not stated that this witness witnessed the occurrence. Complainant Md. Safi has stated that all the concerned workmen were armed with lathi and that the concerned workman Ashrofi Thakur and Lotan Ahir assaulted him with lathi as a result of which he was injured and friends brought him to Washi Sahab who advised him to contact doctor. He has admitted that Pritam Singh was present there and that he belonged to the union of Congress party. Complainant Asgar Mia has stated that he was beaten in the lift by the concerned workmen after the end of the shift. He has admitted that there was a quarrel between two groups of workers and that he was a member of Congress party. He has admitted that Pritam Singh, Hookman, and Sohan Das, Engine Khalasi were present in the spot. Bhikhan Mahato has stated that he was beaten up by the concerned workmen. He has admitted that there was a quarrel followed by trouble at 4 p.m. He has admitted that workers are not allowed to bring lathi in the colliery within duty hours. Then it remains unexplained as to why the concerned workmen were allowed to bring lathi in the mine. This witness has not stated anything about the place of occurrence. He has admitted that Pritam Singh and Sohan Das were present on the occasion. Teko Kumhar has stated that the concerned workmen started beating him in the cage and he had to come to the hospital. He has admitted in cross examination that the concerned workmen Md. Jalil, Bharat Bhuia and Paru Bhuia did not beat him. He has further admitted that the concerned workmen Harihar Ahir was one of the office bearers of Janta Mazdoor Sangh and that Pritam Singh was present on the occasion. Witness Moniruddin Mia was produced by Mr. Safi. This witness has stated that he saw the concerned workmen Harihar Ahir, Lotan Ahir and Ashrofi beating up Md. Safi. But Md. Safi has not stated that he was beaten up by Harihar. Besides, Md. Safi has not stated that this witness was present on the occasion. Pritam Singh has been examined, but he has not stated anything imputing on the concerned workmen. Sohan Das has not been examined at all. The certificate of discharge indicates that the complainants were discharged from the hospital. The Enquiry Officer has stated that he relied on the injury reports in arriving at the conclusion that the concerned workmen were guilty. He has admitted that the authors of the injury reports were not allowed to be cross-examined by the concerned workmen since the doctors were not produced by the management. Thus, it is seen that the injury reports were relied upon by the Enquiry Officer, but the concerned workmen were not allowed to cross-examine the authors of the injury

reports. This is considered to be a serious lacuna in the domestic enquiry. Upon consideration of evidence of the complainants and their witnesses, I come to the conclusion that their statements are not dependable, the reason being that all of them are miners/loaders, almost all of them belonged to rival union and that corroborative witness, Moniruddin Mia and Khubia Kumhar were not claimed by them to be present at the time of occurrence. I have discussed the corroborative evidence of Reso Mahato and discussed its infirmity. Pritam Singh who was admittedly present on the occasion has not supported the case of the management at all. Soban Das admittedly another witness present on the occasion has not been examined by the management.

17. The Enquiry Officer has held D. W. Bhola Bhar depose as hostile witnesses during enquiry and this clearly indicates that the charges levelled against the charge-sheeted workmen have been fully established. This statement of fact and conclusion is unfortunate and preposterous. Bhola Bhar as defence witness has definitely stated that ten empty tubs were grabbed forcibly taken by Complainant Teko Kumhar and after that the hammers left loose and went out. His evidence is indicative of the fact that it was the miners/loaders who invited trouble and in the circumstances, he cannot be declared as hostile witness and his evidence does not lend support to the case of the management at all. Hence, the conclusion of the Enquiry Officer that the evidence of Bhola Bhar indicates that the charge levelled against the charge-sheeted workmen has been fully established is entirely erroneous.

18. It appears that over self-same occurrence G.R. Case No. 842/81 corresponding to T.R. No. 1113 under Section 147/149/323 and 325 of I.P.C. was instituted in the Court of Judicial Magistrate, 1st Class, Chas. The learned Judicial Magistrate found the concerned workmen innocent and absolved them of the charges. It appears that none of the complainants came forward before the Criminal Court to vouch for the fact that they were assaulted by the concerned workmen (Ext. W-1).

19. In the context of the report of the Enquiry Officer the contention of Sri J. P. Singh, Advocate for the workmen that the report of the Enquiry Officer is perverse and the contention of Sri B. Joshi, Advocate, for the management, that it is not have surfaced. Sri Joshi in support of his contention has cited the decision reported in AIR 1966 Calcutta-31 to impress that a finding cannot be said to be perverse if it is against the weight of evidence but it will be perverse if it is altogether against the evidence. This aspect of the matter need not be considered in depth since I hold that the evidence on record does not establish with any degree of reasonableness and probability that the concerned workmen were guilty of the misconduct of assault upon the complainants in the manner and at the place as alleged.

20. Upon receipt of the report of the Enquiry Officer the management agreed with the finding and decided to inflict exemplary punishment upon the concerned workmen. There is nothing on record to indicate that the management considered the alleged misconduct of the concerned workmen to be grave. There is nothing on evidence that they were warned earlier or had at any previous record of misconduct. In the circumstances, it is incomprehensible why the management was satisfied that exemplary punishment should be inflicted on the concerned workmen. However, by order dated 12th May, 1983 they were dismissed from service with immediate effect. Since the concerned workmen, as I have held, is not guilty of the misconduct complained of, the action of the management in dismissing them from service is not justified and the concerned workmen are entitled to be reinstated in service with full back wages.

21. Accordingly, I pass the following award—

The action of the management of Tetturiya Colliery of M/s. Bharat Coking Coal Limited in dismissing from service Sarvashri Harihar Ahir, Bharat Bhuiva, Lotal Ahir, Paru Bhuiva, Mohammed Jalil and Ashifi Thakur Trammers is not justified. They be reinstated in service with effect from 12th May 1983 with full back wages within one month from the date of publication of the award.

In the circumstances of the case parties are to bear their own costs.

S. K. MITRA, Presiding Officer

[No. L-20012/118/84-D.III(A)]

का.आ. 649 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हुरलीदीह कॉलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 649.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Hurriladih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 8th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 4 of 1987

PARTIES :

Employers in relation to the management of Hurriladih Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. P. Singh, General Secretary, Khan Madoor Congress.

On behalf of the employers : Shri G. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 29th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(210)/86-D.III(A), dated, the 26th December, 1986.

SCHEDULE

"Whether the demand of Khan Mazdoor Congress that the management of Hurriladih Colliery of M/s. Bharat Coking Coal Limited should regularise their workman, Shri Niwas Singh as Senior Overman (Incharge) in Technical Grade 'A' is justified? If so, to what relief is the workman entitled?"

The case of the workmen is that the concerned workman Shri Niwas Singh was working as Overman Incharge on permanent place against permanent vacancy and was placed in Technical Grade-B of the Wage Board in Hurriladih Colliery. Since the beginning of 1980 the concerned workman was instructed by the management to work as Senior Overman (Incharge) and since he is working as Sr. Overman

Incharge. The job of Sr. Overman Incharge is of Technical Grade-A of the Wage Board Recommendation but the management was paying the wages of Technical Grade-B to the concerned workman. The Agent of Hurriladih colliery recommended the case for regularisation of the concerned workman on the post of Sr. Overman incharge in Technical Grade-A through his letter dated 17-11-83. The concerned workman waited for long in the hope of favourable action from the office of the General Manager but he was not regularised as Senior Overman incharge. Thereafter the union of the workmen took up the case of the concerned workman with the management vide letter dated 1-2-86 but no reply was given by the management. Thereafter the union of the concerned workman raised an industrial dispute before the ALC(C), Dhanbad through representation dt. 27-12-86. The ALC(C) held the conciliation in which the management participated and filed their comments. During the course of conciliation proceeding the Agent's office which had earlier recommended the case of the concerned workman of his regularisation to the Area General Manager changed their stand in the conciliation proceeding. It is a policy decision of BCCL to regularise workers working in higher job particularly for more than 6 months. The concerned workman was regularly and continuously performing the duty of Sr. Overman Incharge since more than 6 years. On failure of the conciliation proceeding the present reference was made to this Tribunal for adjudication. It is submitted on behalf of the workmen that the demand of Khan Madoor Congress was fully justified. It has been prayed that the concerned workman be regularised on the job of Sr. Overman (incharge) in Technical Grade-A with difference of wages with retrospective effect since 1980.

The case of the management is that as per norms for promotion and posting of Sr. Overman, there is no existing vacancy of Senior Overman in Hurriladih colliery. As there is no existing vacancy, no D.P.C. has been constituted to consider the promotion of Overman to the post of Sr. Overman out of the eligible candidates. The recommendation made by the Agent of the colliery is not taken into consideration by the higher authority/D.P.C. for promotion on the basis of such recommendation unless vacancies exist for the higher post. A Senior Overman remains incharge of all the three shifts and exercises controls and gives direction to other Overman who are in the shift. The shift Overman is Incharge of the shift whereas the Sr. Overman is incharge of the Mine for all the shifts. The concerned workman is a shift Overman who looks after the stowing operation carried on in the first shift. The concerned workman works in the first shift only and supervises the work of first shift. He has not been performing the duties of Sr. Overman. The recommendation made by the Agent was found to be wrong and incorrect and therefore it was not accepted. There are other Overman who are senior to the concerned workman and the claim of those Overman senior to the concerned workman cannot be ignored nor the concerned workman can be promoted ignoring the claim of Overman senior to him. There is a cadre scheme for promotion of Overman to the post of Sr. Overman by the D.P.C. and it is not permissible to regularise on the basis of uncalled for recommendation in contravention of the cadre scheme. The concerned workman cannot take advantage of such uncalled for recommendation of the Agent. On the above plea it is submitted on behalf of the management that the concerned workman is not entitled to any relief.

The point for consideration is whether the concerned workman is entitled to be regularised as Sr. Overman (Incharge) in Technical Grade-A.

The workmen and the management have each examined one witness in support of their respective case. The documents on behalf of the workmen are marked Ext. W-1 to W-6 and the documents on behalf of the management are marked Ext. M-1 to M-4 series.

It is the admitted case of the parties that the concerned workman is designated as Overman and is placed in Technical Grade-B. WW-1 Shri Niwas Singh is the concerned workman. He has stated that since 1979 he is working as Sr. Overman Incharge in Hurriladih colliery on the orders of the Agent. He has stated that although he is working as Senior Overman Incharge he is getting the wages of Overman in Technical Grade-B. He has further stated that the management had not paid him the difference of wages between the Overman and Senior Overman Incharge since the day he is working

as Senior Overman Incharge. Admittedly the workmen have not produced any order to show that the Agent of Hurriladih colliery had passed any written order that the concerned workman should work as Senior Overman Incharge since 1979. The workmen have based their case of regularisation to the post of Senior Overman Incharge on the basis of Ext. W-4 dt. 17-11-83 is a recommendation under the signature of the Agent Hurriladih colliery. The Agent in this note of recommendation has stated that the concerned workman is working in Hurriladih colliery in the capacity of an Overman since long and as a Senior Overman Incharge since last 4 years till date, but he is being paid Technical Grade-B. He has recommended that the concerned workman may be promoted as Sr. Overman Incharge and be placed in Technical Grade-A at an early date. This note was sent to the General Manager. It will appear from the evidence of MW-1 that Ext. W-4 is under the signature of Shri N. Kumar, Agent, Hurriladih colliery. Thus there is no doubt that the Agent of Hurriladih colliery recommended that the concerned workman may be promoted as Sr. Overman Incharge in Technical Grade-A. The management has exhibited the cadre scheme Ext. M-1 dt. 12-1-79 in which the norms of deployment of Sr. Overman are stated. This norm was in partial modification of a circular dated 22-2-79 (marked Ext. M-2) and further guidelines on staffing pattern of Sr. Overman as per CIL circular dt. 25-4-78 (marked Ext. M-3). Thus Ext. M-1 dated 12-11-79 is the latest norm of deployment of Senior Overman issued by BCCL. It is stated that the number of post of Senior Overman will depend on amongst others on the criteria that where the output is 250 tonnes of coal per day on an average, one post of Sr./Head Overman for every 250 tonnes will be operated and fractions over multiples of 250 are to be ignored. It will thus appear that the number of posts of Sr. Overman depends on the output of coal and one post of Sr. Overman is sanctioned if the output of a colliery is 250 tonnes of Coal per day.

MW-1 Shri R. K. Arora is working as Agent of Hurriladih colliery since September, 1985. He has stated that he knows the concerned workman who is working as an Overman and has denied that the concerned workman is working as Senior Overman Incharge. He has stated that the concerned workman is working in the first shift. He has further stated that there are 9 Overman and one Sr. Overman in Hurriladih colliery. He has denied that the concerned workman supervises the work of other overman working in the colliery. He has proved the cadre scheme and staffing pattern Ext. M-1, M-2 and M-3. He has also stated as is stated in Ext. M-1 that one Sr. Overman is required to be posted if on the average 250 tonnes or more coal per day is raised from the colliery. He has produced copy of the annual return for the years 1983, to 1986 marked Ext. M-4 to M-4/3, to show that there was never any production of coal in Hurriladih colliery amounting to 250 tonnes per day. If we look to the copies of those statements for the years 1983 to 1986 it will appear that the production of coal from Hurriladih colliery did not have the average 250 tonnes per day. MW-1 has further explained that there is no post of Sr. Overman in Hurriladih colliery but one Sr. Overman has been deputed from the Area office in Hurriladih colliery in spite of the fact that the production of coal in this colliery did not exceed 250 tonnes per day. Thus he has tried to explain as to how one Sr. Overman has been placed in Hurriladih colliery although according to the norms no Senior Overman can be placed because of the output of coal being less than 250 tonnes of coal per day. The output of coal given in the annual return Ext. M-4 to M-4/3 has not been challenged and there is nothing in the cross-examination to falsify the facts given in this return. It is clear therefore that according to the norms prescribed in Ext. M-1 Hurriladih colliery cannot justify the posting of Sr. Overman.

WW-1 in his cross-examination has stated that there is only one Senior Overman incharge in Hurriladih colliery named Shri Garib Routh who always works in general shift. WW-1 also admittedly works in the general shift. He has further stated that there are more than 2 posts of Senior Overman Incharge in Hurriladih colliery but except for his oral statement there is nothing on the record to show that there are more than one post of Senior Overman incharge in Hurriladih colliery. Moreover, the figures of output do not justify the posting of more than one Sr. Overman incharge

in Hurriladih colliery according to Ext. M-1, WW-1 has not stated that two Senior Overman or more Senior Overman had ever worked in Hurriladih colliery and as such it appears that there was never the sanctioned of two posts of Senior Overman incharge in Hurriladih colliery. WW-1 has stated that there is no one senior to him as Overman in his Area. MW-1 has stated that the promotion of an Overman to the post of Senior Overman is done at the Area level through the Departmental Promotion Committee (D.P.C.). He has further stated that the name of the concerned workman was recommended by the colliery to the D.P.C. for consideration of promotion but he was not selected by the D.P.C. as there was another Overman senior to him who was selected by the D.P.C. as Senior Overman on the basis of seniority-cum-merit. The concerned workman WW-1 has simply stated that he does not know if his case for promotion was considered by the D.P.C. and thus it appears that the D.P.C. had considered the case of the concerned workman at the time of promotion to the post of Senior Overman and that an Overman senior to the concerned workman was selected as Senior Overman Incharge on the basis of seniority-cum-merit. MW-1 has stated that the name of the concerned workman was recommended by the colliery to the D.P.C. for consideration of his promotion and it appears that the Agent who had recommended the case of the concerned workman vide Ext. W-4 was considered but an Overman Senior to the concerned workman was selected by the D.P.C. as Sr. Overman Incharge.

It will thus appear that the norms for deployment of Senior Overman did not justify for posting of another Senior Overman in Hurriladih colliery and that the case of the concerned workman which was recommended by the Agent vide Ext. W-4 was considered and thereafter an Overman senior to the concerned workman was selected as Senior Overman by the D.P.C.

Ext. W-5 dt 9-2-83 is an office order by the then Agent Shri N. Kumar. It shows that the concerned workman who was Overman was to work as stowing incharge with immediate effect and was ordered to liaison with a shift overman for effective stowing arrangement, so that stowing is done with the full capacity of the bunker. On the basis of this document Ext. W-5 it is submitted that the concerned workman was ordered to work as stowing incharge and that the stowing incharge is in Technical Grade-A and as such he should be placed in Technical Grade-A. Ext. M-1 which is the norm of deployment of Senior Overman in para-5 deals with stowing. It is stated that in all sand stowing mine where the average stowing is 500 tonnes or more per day, the stowing incharge would be a senior overman. There is absolutely no evidence to show that the average stowing was 500 tonnes or more per day in Hurriladih colliery and as such although the concerned workman was made stowing incharge vide Ext. W-5 cannot be a Senior Overman. There is absolutely no evidence to show that there was average stowing of 500 tonnes or more per day in Hurriladih colliery. As there is no evidence to that effect it is not possible to hold that only because he was made stowing incharge he would be a senior overman and would get Technical Grade-A. I hold therefore that although the concerned workman was made stowing incharge from 9-2-83 it cannot be held that he was a Senior Overman.

The case of the workmen is that the concerned workman had worked for more than 6 months as Sr. Overman incharge and as such according to the policy decision of BCCL he should be regularised in the higher job of Sr. Overman incharge. MW-1 has stated in his evidence that if a workman of lower category works on a higher category he is paid the difference of wages of the higher category and that a minimum period of 6 months is required to regularise a workman if he has satisfactorily performed the job of the higher category for 6 months or above. In the next line he has stated that the concerned workman was not paid the difference of higher category as he had not worked in the higher category. Thus MW-1 does not support that the concerned workman had worked as Senior Overman for 6 months or more. There is also no evidence to show that the concerned workman had ever received the difference of wages of Cat. B and Cat. A so as to conclude that the concerned workman had worked in the higher category A. The Agent vide Ext. M-4 had recommended for promotion of the concerned workman in 1983 and he had not recommended for

the regularisation of the concerned workman in Technical Grade-A. It appears therefore that Ext. W-4 was actually sent by the Agent at the time of the consideration of promotion of overman to the post of Senior Overman by the D.P.C. There is no written document to show that the concerned workman was working as Sr. Overman after 1983. The most competent witness is the Agent and the Agent MW-1 who is working in Hurriladih colliery since September, 1985 has stated that the concerned workman is working as an overman and not as Sr. Overman and as such it is clear that the concerned workman is not working as a Senior Overman. If the concerned workman is not working as Senior Overman, he cannot be regularised as a Sr. Overman incharge in Technical Grade-A.

Taking all the facts into consideration, which have been discussed above, I hold that the demand of Khan Mazdoor Congress that the management of Hurriladih colliery of M/s. BCCL should regularise the concerned workman Shri Niwas Singh as Senior Overman incharge in Technical Grade A is not justified and consequently he is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer.
[No. L-20012/210/86-D.III(A)]

कॉ.आ. 650:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूतकी कॉलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 650.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Pootkee Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th February, 1988

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri I. N. Sinha, Presiding Officer.

Reference No. 270 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES:

Employes in relation to the management of Pootkee Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES:

On behalf of the workmen—Shri D. Mukherjee, Secre-

On behalf of the workmen—Shri D. Mukherjee, Secre-

On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 5th February, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/112/86-D.III(A) dated, the 30th July, 1986.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the management of Pootkee Colliery of M/s. Bharat Coking Coal Limited should regularise their workmen, S/Shri Ramdhari Pasi, Shyama Jaiswara, Sahadeo Rajbhar, Ganori Bhuia and Deocharan Singh as Trammers is justified? If so, to what relief are these workmen entitled?"

In this case both the parties filed their respective W.S. etc. But subsequently both the parties appeared before me and filed a memorandum of settlement. I heard the parties on the said settlement and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly, I accept the same and pass an Award in terms of the settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012/112/86-D.III(A)]

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 270/86

Ref. PB-A/Pcr/1R/Ref. Case/87/2292 dated 14-12-1987

PARTIES:

Employers in relation to the management of Pootkee Colliery of Bharat Coking Coal Limited, P. O. Kusunda, District Dhanbad.

AND

Their Workmen.

The parties above named have mutually agreed to settle the dispute on the terms given below and pray for its acceptance.

(1) That S/Shri Ramdhari Pasi, Shyama Jaiswara, Sahdeo Rajbhar, Ganouri Bhuia and Deocharan Singh Miner/Loader will be designated as Trammers with immediate effect and they will be given same piece-rate as applicable to the trammers of that Pit/opening.

(2) That the dispute stands resolved finally and there is no subsisting dispute.

Both the parties humbly pray that the Hon'ble Tribunal may be graciously pleased to pass award on the terms indicated above for which the humble petitioners shall ever pray.

Sd/-

(B. M. Lall)
Dy. Chief Personnel Manager,
Pootkee Balihari Area.

Sd./-
(N. N. Singh),
Secretary,
Bihar Colliery Kamgar Union.

Sd/-

(P. Maharaj)
Dy. Personnel Manager,
Pootkee Balihari Area.

Sd./-
(Sheomurat Gope),
Area President,
Bihar Colliery Kamgar Union,
Pootkee Balihari Area.

WITNESS:

(1) Sd/-

(2) Sd/-

Distribution:

1. Asstt. Labour Commissioner (C), Dhanbad.
2. Regional Labour Commissioner (C), Dhanbad.
3. Chief Labour Commissioner (C), New Delhi.
4. Secretary, Ministry of Labour, Govt. of India, New Delhi.
5. General Manager (Personnel), Koyla Bhawan, Dhanbad.

का.आ. 651 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आकाश की नारी कल्यारी, मेसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 651.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Akashkeenaree Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 10th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 30 of 1984

PARTIES :

Employers in relation to the management of Akashkinaree Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 28th January, 1988

AWARD

By Order No. L-20012(291)|83-D. III(A), dated the May, 1984, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Akashkinaree Colliery of Messrs Bharat Coking Coal Limited, in not allowing Shri A. B. Sengupta, Electrical Apprentice to resume his duty from 18-6-1981 was justified? If not, to what relief is the workman entitled and from what date?"

2. The case of the management, briefly stated, is as follows :

The concerned person, Sri A. B. Sengupta was not a workman and hence the present reference is not maintainable. He was an Electrical Apprentice for the purpose of learning the jobs on electrical side and to acquire the experience to enable him to appear in examination and to obtain wiremen's certificate, electrical supervisors' certificate etc. He was being paid stipend at the rate of Rs. 90 per month for the period of his training. He completed his training in the year 1975 and left the colliery for further training elsewhere or for getting employment elsewhere. He did not inform the management about his whereabouts. The management is not aware if he has passed any examination or if he has obtained any certificate to make him fit for getting a job. After the lapse of six years he appeared in 1981 and requested to allow him to work as electrical apprentice in a colliery. He failed to produce any certificate of competency to enable the management to consider his case for employment in any post. He had already completed training for the required number of years for enabling him to appear in examination. There was absolutely no justification to allow him to work as electrical apprentice again. He was convinced and went away to prepare for his examination. But the present case, which is not an industrial dispute, has been taken up by the union and it is an exercise in gambling in litigation pure and simple. The concerned person is at liberty to discontinue his training if he so liked. The management could not force him to undergo training and to appear in the examination. In the circumstances it has been submitted that the present reference be dismissed.

3. The case of the concerned workman as appearing from the written statement filed by his sponsoring union is as follows :

The concerned workman was originally appointed an Electrical Apprentice by the erstwhile employer. The management of Akashikinaree colliery alongwith other non-coking coal mines was taken over by the Central Government on 31-1-1973 and the colliery was subsequently nationalised with effect from 1-5-1973. The concerned workman continuously worked for the colliery upto May, 1975. After nationalisation he started working as regular electrical helper, but his designation was not changed. The action of the management in not changing his designation and denying him wages and other perquisites as per Wage Board recommendations was illegal and arbitrary and unbecoming of a Government of India undertaking. Anyway, the poor workman unfortunately fell ill and started absenting from duty without prior permission. He, however, intimated the management about his illness. After recovery from illness he reported for duty on 18-6-81 along with medical certificate. But the management instead of allowing him to resume his duty informed him that his name has been removed from the muster roll of the colliery for unauthorised absence from duty. He represented several times before the management for allowing him to resume duty but without any effect. The General Manager recommended his reinstatement and even then he was not reinstated. Seeing no other alternative he raised industrial dispute before the A.L.C.(C), Dhanbad, challenging the illegal and arbitrary removal of his name from muster roll. He, however, withdrew the dispute on the assurance of the manage-

ment to settle the issue amicably. In spite of such specific assurance the management remained silent and so the union again had to raise an industrial dispute demanding his reinstatement with full back wages. The conciliation proceeding ended in failure due to the adamant attitude of the management. In the circumstances, the Government of India was pleased to refer the dispute for adjudication before this Tribunal. The action of the management in not allowing the concerned workman to resume his duty was illegal, arbitrary and unjustified. The management did not take any action against him according to rules for his misconduct of remaining absence from duty without intimation. He had put in 240 days attendance in the preceding twelve months prior to his actual absence from duty. But the management removed his name from muster roll without complying the mandatory provision of Section 25F of the Industrial Disputes Act. The management has provided employment to thousands of delisted workmen for putting only 75 days' of attendance in the calendar year 1973 to 1976. But in the present case they have taken discriminatory action. In the circumstances, the union has prayed that the concerned workman be reinstated in service with full back wages.

4. In the rejoinder to the written statement of the workman, the management has denied the statement of facts as made by the concerned workman. The management has specifically denied that he ever worked as electrical helper.

5. In the rejoinder to the written statement of the management the sponsoring union has denied the fact as stated by the management.

6. The management has examined three witnesses, namely, M.W. 1, Bhawani Prasad Dasandhi, a Bill Clerk, M.W. 2, Iprarul Haque, an Electrical Supervisor and M.W. 3, R. P. Pathak also an Electrical Supervisor and laid in evidence one piece of document, a photo copy of salary sheet of M's. B.C.C.L. for the month of January, 1974 (Ext. M-1).

The concerned workman, on the other hand, examined himself only and introduced in evidence two documents both of them letters marked Ext. W-1 and W-2.

7. Sri B. Joshi, Advocate, appearing for the management has contended that the concerned person, A. B. Sengupta was an Electrical Apprentice and not a workman and so the present reference is not maintainable. He has further contended that after completion of his training Sengupta left the employment on his own and came back again after the lapse of six years only to secure employment by devious means. He has submitted that in view of the terms of reference Sengupta cannot be held to an Electrical helper working in the colliery because this Tribunal has got no jurisdiction to look beyond the terms of reference.

8. Sri D. Mukherjee, appearing for the concerned workman has contended that although the concerned workman was designated as Electrical Apprentice, the management employed him as Electrical Helper and so the Tribunal can not shut its eyes to the realities of situation and confine its adjudication pedantically within the ambit of terms of reference. He has

further submitted that Sengupta, although designated as Electrical Apprentice, was a workman within the meaning of Section 2(s) of the Industrial Disputes Act and hence the present reference is competent and maintainable. He has also submitted that the management removed his name from the muster roll and retrenched him from service without complying with the mandatory provision of Section 25F of the said Act. According to him, the action of the management is not justified and the concerned workman is entitled to get back his employment with full back wages.

9. Admittedly, A. B. Sengupta was appointed an Electrical Apprentice in the colliery by the erstwhile owner. According to the deposition of Sengupta he was appointed as Electrical Apprentice in Katras New Colliery in July, 1971. This statement of his has not been assailed by the management in cross-examination. The management, although called for could not produce the letter of appointment of Sengupta, an apprentice of the colliery nor could they produce the contract of Apprenticeship relating to Sengupta. That being so, I come to the conclusion that Sengupta was appointed an electrical apprentice in Katras New Colliery in July, 1971. According to testimony of MW-3 the management of Akashkinari colliery was taken over by the Central Government on 31-1-73 and that at the time of take over there existed five sections in Akashkinari colliery, namely, North Teturia, North Akashkinari, West Keludih, West Katras and Katras New. He has further testified that all these five sections were amalgamated into one unit and named as Akashkinari colliery with effect from June, 1973.

10. Apprentice as defined in Section 2(a) of the Apprenticeship Act, 1961 means a person who is undergoing apprenticeship training in a designated trade in pursuance of a contract of apprenticeship. From the evidence on record in the present case it can be concluded that Sengupta was appointed an apprentice in the designated trade on electrical side. Section 18 of the said Act envisages that every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be a trainee and not a worker and the provision of any law with respect to labour shall not apply to or in relation to such apprentice. But Section 2(s) of the Industrial Disputes Act defines 'workman' which means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied. There is no contradiction or dichotomy between the provisions of these two Acts, because in order to come within the definition of workman it has to be established that the apprentice is employed in an industry to do any manual, unskilled, skilled, technical, clerical or supervisory work for hire or reward. (1983 Lab. I.C. 1185).

11. Admittedly Sengupta was employed in non-coking coal industry. According to his testimony, he was appointed in the capacity of electrical apprentice for a term of one year and after the expiry of one year he started working as electrical helper in the said colliery, but the management kept his designation as apprentice in the Form B Register although he

was working as electrical helper. His evidence further evinces that even after take over he used to work as electrical helper, but since his designation was not changed by the erstwhile employer in Form B Register, his designation remained unchanged even after nationalisation and that he worked continuously as electrical helper upto May, 1975. His evidence further discloses that after nationalisation he used to work as electrical helper under S/Sri R. S. Sengupta and Rakhohari Mahato in Katras New Colliery. MW-2 Iprarul Haque has claimed to have worked as electrical supervisor in Akashkinari colliery during the period between 1973 and 1974, and in December, 1974 he was transferred to Dharmaband Colliery. According to him he was posted in Akashkinari colliery at the time of taking over of the management of the collieries by the Central Government. He has testified that the duty of electrical apprentice was to accompany the electricians on their errands for the purpose of learning their jobs and that Sengupta accompanied him on a number of occasions on his errands. In cross-examination he has admitted that Sengupta used to help Rakhohari Mahato and R. S. Sengupta, both electricians while both of them used to do their jobs. He has admitted that he does not know that Sengupta never worked as electrical apprentice but as electrical helper after the management of the collieries was taken over by the Central Government. MW-3 R. P. Pathak has claimed to have become the electrical supervisor of all sections of Akashkinari Colliery after amalgamation. In his examination-in-chief he has denied to have seen Sengupta working as electrical helper. But in cross-examination he has admitted that it is the duty of electrical helper to carry tools and to assist electricians and the concerned workman used to accompany the electricians on their errands. Thus it is established by evidence that Sengupta, although designated as apprentice, was employed by the management of the industry to do manual and unskilled work as electrical helper. It is the case of the management that Sengupta used to be paid Rs. 90 per month as stipend. Document produced by the management shows that Sengupta was paid Rs. 60 only in the month of January, 1974 (Ext. M-1).

12. Thus, the evidence borne out on record unmistakably establishes the position that Sengupta, although designated as electrical apprentice, was employed in coal industry to do manual and unskilled work. This being so, he was a workman within the meaning of Section 2(s) of the Industrial Disputes Act. The present dispute has been raised by the sponsoring union of Sengupta who is held to be a workman. So the conclusion is reached that the present reference is competent and maintainable.

13. Sengupta has stated in his testimony that he worked for 240 days in a year continuously as electrical helper and that since he was down with illness he could not report for his duty after May, 1975. This statement of his is inconformity with his written statement.

The management has taken the position that after completion of his training in the year 1975 Sengupta left the colliery on his own. There is no vestige of evidence on record to indicate that Sengupta completed his training. Section 19 of the Apprenticeship Act, 1961 provides that every employer shall maintain

records of the progress of training of each apprentice undergoing Apprenticeship training in the establishment. The management did not produce such record indicating the progress of training of Sengupta. None of the witnesses for the management has vouched for the fact that after completion of his period of training Sengupta left the colliery on his own for seeking better employment elsewhere or to be gainfully employed elsewhere.

The case of Sengupta, the concerned workman, is that he worked upto May, 1975 continuously and thereafter could not report for his duty after May, 1975. Ext. W-1 is a letter dated 3/18-9-1981 addressed by Sri P. K. Sinha, General Manager of Area No. 2 of M/s. B. C. C. Ltd. to the Additional Chief Personnel Manager, Karmik Bhavan, Dhanbad. Sri Sinha has written to state as follows :

"As per colliery record Sri A. B. Sengupta was an Electrical Apprentice at Akashkinari Colliery at time of take over and continued as such upto May, 1975. He was being paid Rs. 90 p.m. consolidated as stipend. As he remained absent without permission so his name was struck off from the colliery employment roll. In his representation dated nil which was, however, received at the colliery on 19-6-80, he submitted that he had been suffering from serious ailment and was under the medical treatment. In support of his contention he had submitted a medical certificate dated 14-6-81 certifying that Sri A. B. Sengupta was under the treatment of Doctor H. P. Niyogi, Burnpur from 5-6-75 to 14-6-81 and has been declared medically fit for his original job.

Under the above circumstances, please advise us if we can take Shri A. B. Sengupta as Electrical Apprentice when name has been struck off from the colliery employment roll on account of being absent."

This letter establishes the position that Sengupta was an electrical apprentice in Akashkinaree Colliery at the time of take over and continued as such upto May, 1975. This letter further establishes the position that since he remained absent without permission his name was struck off from the colliery employment roll. Thus, it is seen that Sengupta was continuously employed in the colliery from the time of take over till May, 1975 and that his name was struck off from the colliery employment roll. In his testimony Sengupta has stated that he worked for 240 days in the colliery continuously as electrical helper and that he fell ill after May, 1975 and that he informed the management of the reason for his absence and that on 18-6-81 he reported for duty with medical certificate. This statement of his is corroborated by the letter of the General Manager already referred to Ext. W-1.

14. Removal of name from the employment roll of the employer constitutes retrenchment (1977 Lab. I.C. 1695). Admittedly the management did not take any action against Sengupta for his misconduct of having remained absent from duty without intimation under the provision of Certified Standing Order. It has not been proved by the management that Sengupta voluntarily left the service or was retired from service on reaching the age of superannuation or his services were terminated as a result of

non renewal of the contract of employment or on the ground of continued ill health. Thus being the position, by striking off the name of Sengupta from the employment roll of the colliery the management has resorted to retrenchment and this they have done without complying with the mandatory provision of Sec. 25F of the Industrial Disputes Act. In the circumstances, I have no hesitation to hold that the action of the management on this score is not justified.

15. It is the definite case of Sengupta that he reported for duty on 18-6-81. None of the witnesses for the management has denied this fact. Sengupta himself has stated that on 18-6-81 he reported for duty with medical certificate, but the management did not allow him to resume his duty. This statement of his has remained unassailed in cross-examination. Hence, I cannot but hold that Sengupta reported for duty on 18-6-81. The terms of reference also state that Sengupta reported for duty on 18-6-81. Admittedly, he was not allowed to resume his duty. This action of the management, in the context of facts and circumstances of the case, is not justified.

15. Sri D. Mukherjee has submitted that the management should reinstate Sengupta in service as electrical helper, the reason being that he was engaged by the management in duties as electrical helper. Shri Joshi, Advocate, appearing for the management has contended that the Tribunal is not competent to travel beyond the terms of reference and order the management to designate Sengupta as electrical helper. The broad facts appearing from the evidence is that Sengupta was employed an electrical apprentice by the erstwhile owner. The evidence of Sengupta, which remains unassailed is that he was appointed electrical apprentice in Katras New Colliery in July, 1971 for a term of one year and after the expiry of one year he started working as electrical helper in the said colliery. His evidence further reveals that the management kept his designation as apprentice in Form B Register although he was working as electrical helper and even after take over he used to work as electrical helper but his designation remained unchanged even after nationalisation because the erstwhile owner did not change his designation and that he worked as electrical helper upto May, 1975 continuously. The evidence on record discloses, as I have pointed out above, that he worked as electrical helper. Thus, it is seen that Sengupta was working as electrical helper upto May, 1975 continuously although the present management designated him as electrical apprentice because he was designated so by the erstwhile owner.

16. The terms of reference should not be interpreted in a pedantic manner. The crux of the issue, as raised in the present reference, is whether the action of the management in not allowing Sengupta to resume his duty from 18-6-81 was justified. Evidently this issue has been raised because it was considered by the appropriate Government that Sengupta was a workman.

17. Now the question is, if in the context of the present case, Sengupta is an apprentice or an electrical helper. I have pointed out that Sengupta had worked for long as electrical helper after the expiry

of the period of his apprenticeship. On the electrical side, as per National Coal Wage Agreement—III, electrical helper is a lowest rung of the ladder and minimum qualification (electrical/technical) for being appointed electrical helper is (i) literate and (ii) matriculate with I.T.I. and General Mazdoor. Category-I having three years' experience or one year experience in Category—1 having educational qualification matriculate with I.T.I. are eligible for promotion as electrical helper. Admittedly, Sengupta is a literate. He has worked as electrical helper for more than three years. That being so, I consider that he is entitled to be appointed by the management in the post of electrical helper.

18. Sengupta reported for duty on 18-6-81. The management refused to allow him to resume his duty. I have already held that this action of the management is not justified. That being so, Sengupta is entitled to be reinstated as electrical helper from 18-6-81 and appointed as electrical helper within one month after publication of the present award. He is entitled to get payment from 18-6-81 till the expiry of one month after publication of this award at the rate at which he was paid last.

19. Accordingly, I pass the following award—that the action of the management of Akashkinarce Colliery of M/s. B.C.C. Ltd. in not allowing A. B. Sengupta to resume his duty from 18-6-81 is not justified. Sengupta to be reinstated with effect from 18-6-81 as electrical apprentice. The management is directed to make payment to him at the rate he was last paid from 18-6-81 till the expiry of one month after publication of the award. The management is also directed to appoint and engage Sengupta in the post of Electrical Helper after expiry of one month from the date of publication of the award when Sengupta must report for duty to the management.

In the circumstances of the case parties are to bear their own costs.

S. K. MITRA, Presiding Officer

[No. L-20012/291/83-D.III(A)]

P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 12 फरवरी, 1988

क्र. आ. 652.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल रेलवे के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 फरवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 12th February, 1988

S.O. 652.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation

to the management of Central Railway and their workmen, which was received by the Central Government on the 9th February, 1988.

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR, UTTAR PRADESH

Industrial Dispute No. 69 of 1986

In the matter of dispute between :

BETWEEN

Secretly,

Indian National Trade Union Congress (I.N.T.U.C.),

2/236, Namrair,

Agra;

AND

The Divisional Railway Manager (P),

Central Railway,

Jhansi.

APPEARANCES :

Sri Surender Singh, Authorised Representative—for the workmen.

Sri B. N. Bhattacharya, Authorised Representative—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41011(16)/85, D-II(B) dated 24th March, 1986, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Management of Central Railway, Jhansi, in not considering the 11 casual workmen mentioned below for regularisation alongwith the casual workers from open line against the regular vacancies is justified? If not, to what relief the workmen are entitled to.

1. Shri Darshan Kumar Kaushik,
2. Shri Ram Mohan,
3. Shri Ram Singh,
4. Shri Dan Singh,
5. Shri Sri Ram,
6. Shri Ashok Kumar Puthak,
7. Shri Ramesh Chand,
8. Shri Siam Singh,
9. Shri Mohan Lal,
10. Shri Krishna Dutt,
11. Shri Nanhe Khan.

2. The case of these 11 workmen in brief is that by working for 120 days continuously in S&T Department, under D.S.T.E. (Construction), Central Railway, they have acquired status of temporary workman in terms of para 2501 of the Railway Establishment Manual. Although they have worked for over 800 days, their services have not been regularised by the management. On the other hand some others who completed 800 days of working have been regularised after screening. Thus they have been discriminated.

3. The defence is that these 11 workmen have not acquired the status of temporary workman in terms of para 2501 of the Railway Establishment Manual. These workmen could be selected for posts against which regularisation is

being sought if they had worked for 800 days continuously. Moreover, for those posts there is a provision for giving preference to casual labour working on open line. Since the workmen in question had worked on projects they are not entitled to these posts. In their case, as soon as the project work is completed their services are terminated and they are paid retrenchment compensation.

4. In their rejoinder, these workmen plead that such casual labour as had worked for a year on a project, their services cannot be terminated merely on the ground that the work on the project has been completed. For regularisation of their services they were also called for interview, but they were not interviewed. In proceedings before A.L.C.(C), New Delhi, the management was directed to maintain status-quo and not to give any appointment on selection made on the basis of interview held on 28-12-84 and 31-12-84. But despite that the management regularised the services of a number of casual labour and thereby violated the provisions of section 33-A I.D. Act., Management is annoyed with them because of cases filed by some of them against the management. These cases are L.C.A. Nos. 101/83, 107/83, 108/83, 109/83, and 110/83 decided by this very court on 30-9-85, by means of a common order.

5. From the evidence I find that although these 11 workmen had worked on projects, they had acquired the status of temporary workman in terms of para 2501 of the Railway Establishment Manual. This is further evident from the management's own document paper nos. 2 and 2/1 to 2/10, filed on the date of arguments. Ext. M-4/Ext/W-2 is the photostat copy of circular no. P/161/O/S&T Screening/Bharti dated 5-10-83, issued by the office of D.R.M. Jharsi, for screening of casual labour of S&T Department casual labour working on monthly basis/Substituted service with a view to consider the question of their regularisation. Para 1 of the circular refers to condition of eligibility, para 3 refers to age limit, para 4 refers to application to be made by the candidates which are required to be accompanied by certain documents and para 7 refers to the fact that for the purposes of interview before the Screening Committee candidates will have to bear their own expenses. We are concerned with para (1) and para (3) for purposes of this case. According to para (1) of the circular only such candidates from amongst casual labour/casual labour working on monthly basis and substitutes as had worked for 800 days upto 31-8-83, could apply. The conditions for eligibility in respect of substitutes, graduate casual labour and technical hands have also given, but we are not concerned with these conditions. In para (3) of the said circular it is mentioned that the age limit should be between 18 years and 28 years. In respect of casual labour it is relaxable upto the period of service rendered by them.

6. Ext. M-5 is the Railway Board's Circular No. E. (MG)-11-77OL/46 New Delhi, dated 8-6-81, addressed to the General Managers Central Railway Bombay and others. Although this letter is not admitted by the authorised representative for the workmen, it can be taken note of in view of the certificate appended to it in terms of section 139 Indian Railways Act. At page 6 are given entitlements and privileges admissible to casual labour who are treated temporary after completion of 120 days of continuous service. It is laid down that casual labour as are given temporary status are eligible for all the entitlements and privileges admissible to temporary railway servants. It is further laid down that such casual labour who acquired temporary status will not however, be brought on to the permanent establishment unless they are selected through selection Board for class IV posts. They will have a prior claim over others in permanent recruitment and they will be considered for regular employment without having to go through the employment exchanges. Heading "Absorption of casual labour in regular vacancies" is found at page 7. Under this heading it is stated that no outsider should be appointed to class IV posts which become available upto 31-12-82, and all such posts should be filled only from amongst casual labour and substitutes. Exceptions may however be made on compassionate grounds, sportsman, Artists, in case of outsiders. It is also provided that casual

labour employed on projects should as a rule, be appointed against class IV posts that may be required for operation and maintenance of new assets created, such as new lines, conversions, doubling major yards etc. An exception can be made only if there are open line casual labour in the area covered by the local recruitment units. Then it is provided that casual labour should be screened for employment by Screening Committee.

7. Thus from this circular it becomes abundantly clear that for employment to class IV posts no outsider should generally be taken and these posts which had fallen vacant upto 31-12-82 should be filled only from amongst casual labour and substitutes. It is further clear that right to class IV posts is not an automatic right. Eligible candidates will have to go through screening by the Screening Committee.

8. Now let us examine the case of 11 workmen in question. Their details regarding age and the number of days upto 31-8-83 they had worked on the basis of documents paper nos. 2 and 2/1 to 2/10 filed by the management on the date of arguments are as under :—

Name	Age	Number of days
1. Krishna Dutt	25 years 2 months	1699
2. Mohan Lal	25 years 11 months	1756
3. Shyam Singh	26 yrs. 2 months & 25 days	1103
4. Ramesh Chandra	23 yrs. 7 months & 11 days	1169
5. Ashok Kumar	24 years 23 days	838
6. Sri Ram	27 years 9 months & 24 days	1802
7. Dan Singh	26 years 27 days	1013
8. Ram Singh	25 years 11 months & 24 days	1490
9. Ram Mohan	29 years 2 months & 16 days	1633
10. Darshan Kumar	23 years 3 months & 21 days	1321
11. Nanhey Khan	24 years 2 months	1305

I may state here that neither in the claim statement nor in the rejoinder, the workmen gave these details. Only in the affidavit of Sri Ramesh Chandra workman it is mentioned that he had worked for 1095 days, when the details furnished by the management show that he had worked for 1169 days. Thus according to the circular issued by the office of D.R.M. all these 11 workmen were eligible for being considered for regularisation of their service and their appointment to class IV Posts.

9. Ext. M. 2 I is the photostatecopy of the proceedings dated 20-5-85 before A.L.C.(C) New Delhi. It appears that Shri Surendir Singh, Authorised representative for the workmen represented these 11 workmen before ALC(C), Delhi. Sri Surender Singh has admitted his signatures on the proceedings. I would like to refer to the following lines appearing in these proceedings.

"The Railway Administration clarified that according to revised instructions, open line casual labour will be given seniority than the project/Construction Labour for screening and regularisation. As on 31-5-83, the open line worker who have put in 800 or more than 800 days attendance will be given priority to project/Construction workers even if they have put in more than 800 days attendance. Now 25 per cent more candidates than the existing/anticipated vacancies are also called for screening. There are about 147 vacancies for open line and there is no regular vacancy for project Construction. For these vacancies about 93 from open

line and 91 from construction/project have been called. The last candidate from open line has got 806 days attendance. The last candidates for project labour has put in 1833 days. The Rly. Adm. further stated that in view of these circumstances they are not in a position to consider the 11 employees in dispute for regularisation as per the existing instruction.

Thus from the above quoted proceedings it appears that there existed only 147 vacancies and for filling these vacancies the railway Administration had called 93 candidates from open line and 91 from project. The arguments before A.L.C. (Central) was that a casual employee who had put in 240 days of service should also be considered for regularisation. Similarly it has been pleaded by them in the claim statement and in the rejoinder that such casual labour as have acquired temporary status and have completed 240 days of work are entitled to be regularised. During the course of arguments I have not been shown any law nor any rule which makes such casual labour entitled to regularisation. The management's decision to regularise the service of casual labour from open line who satisfy the test of eligibility cannot be said as arbitrary. The classification of filling the posts both from open line and project appears to be reasonable.

10. Merely because every one of them have worked for 800 days as already stated, does not entitle them to regularisation of their services. Before A.L.C. (C) the contention of the management was that the last candidate called for interview from project had put in 1833 days of work. From the details of work done by each one of them it will be evident that none has put in work for so many days. For the first time in his affidavit workman Ramesh Chandra stated that junior to them have been taken and in cross examination he named S/Shri Laxmi Narain and Ram Singh. It was not stated by him either in his affidavit or in his cross examination whether these two persons were from open line or from Projects.

11. Workmen have also alleged that they have not been considered as the management is annoyed with them on account of cases earlier filed by them against the management. Ext. W-4, photostat copy of the certified copy of the order dated 30-9-85 of my learned predecessor in 5 connected LCA cases shows that out of these 11 workmen only one was a party in the said cases.

12. It is also the case of the workman that they were called for interview but they were not interviewed by the Screening Committee. No interview letters have been filed except the photostat copy of the letter dated 6-11-84, which purports to be from the Chairman Screening Committee and forms part of the affidavit of Sri Ramesh Chandra. This document appears to be of doubtful origin. It is not stated as to whom it has been addressed. It is only in the body the name of Ramesh Chandra and his father appears.

13. Hence, from the above consideration of facts and circumstances, it is held that the action of the management of Central Railway, Jhansi in not considering 11 workmen for regularisation alongwith casual workers selected from open line against regular vacancies is justified.

14. Reference is answered accordingly.

(No T-41011/18/85-D.II (B))
ARIAN DEV, Presiding Officer

नई दिल्ली, 18 फरवरी, 1988

का. घा. 653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कोयला मॉनिटरिंग सेल के प्रबंधन से सम्बद्ध नयोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 फरवरी, 1988 को प्राप्त हुआ था।

New Delhi, the 18th February, 1988

S.O. 653.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, as shown in the industrial dispute between the employers in relation to the management of Coal Monitoring Cell and their workmen, which was received by the Central Government on the 10th February, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 2 of 1986

PRESENT :

Shri S. K. Mitra, Presiding Officer.

PARTIES :

Employers in relation to the management of Coal Monitoring Cell.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri S. Pal, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 28th January, 1988

AWARD

By Order No. L-42011/1/86-D.II (B), dated, the 24th November, 1986, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (1) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Badarpur Power Plant, New Delhi in denying statutory Bonus to Shri Ramdeo Singh, Loading Supervisor and 16 others (Annexure) working in Coal Monitoring Cell, Dhanbad is justified? If not, to what relief the workmen are entitled?"

ANNEXURE

1. Shri Ramdeo Singh
2. Shri Shubh Narayan Mishra
3. Shri Prem Kumar Gupta
4. Shri D. C. Upadhyay
5. Shri Atma Nand Tewari
6. Shri Mohamad Esajul Haque
7. Shri Afak Ahmed
8. Shri Jiyauddin
9. Shri Saffiqur Rahman
10. Shri Jawhar Khan
11. Shri Faruk Hassan
12. Shri Rameshchandra Asthana
13. Shri Nirmal Kr. Rao
14. Shri Hazendra Choubey
15. Shri Parash Nath Upadhyay
16. Shri Shreenath Upadhyay
17. Shri Bipradas Kundu.

2. The case of the management, details apart, is as follows :

Badarpur Thermal Power Station is being managed by National Thermal Power Corporation Ltd. (hereinafter referred to as N.T.P.C.) and on behalf of the Union of India in terms of an agreement dated 2-4-1978 between the Government of India and N.T.P.C. In view of the provision of Section 32(1V) of the Payment of Bonus Act no statutory bonus is payable to the employees as far as Badarpur Thermal Power Station and Coal Monitoring Cell at Dhanbad are concerned. Coal Monitoring Cell of Badarpur Thermal Power Station is a separate establishment and the Payment of Bonus Act is not applicable to the establishment, having employees less than 20 in number. There cannot be any industrial dispute with regard to payment of statutory bonus which is not payable under the Payment of Bonus Act. Coal Monitoring Cell had been set up at Dhanbad and in pursuance of agreement dated 7-2-85 between N.T.P.C. and M/s. B.C.C. Ltd. for joint inspection of coal at the colliery and. The concerned workmen in the present dispute are engaged on casual basis for the work of checking the quality of coal being despatched from various collieries of M/s. B.C.C. Ltd. and M/s. C.C. Ltd. for Badarpur Thermal Power Station. Parashnath Upadhyay whose name is appearing in serial No. 15 of the terms of reference had initially joined the services in 1982, but the date of joining service has no relevance to the matter in issue as the concerned workmen had not put on continuous service of 240 days in a year and were engaged on purely temporary and daily rated basis. These workmen have been engaged for checking the quality of coal and monitoring the coal being supplied to Badarpur Thermal Power Station. When the Railway authorities place rakes at various railway sidings on account of Badarpur Thermal Power Station, they are deputed to inspect the loading with respect to the quality and quantity of coal and prepare joint inspection report with colliery staff. They have not been allowed the status of permanent workmen of Badarpur Thermal Power Station. They are engaged on daily rated basis and have accepted the terms and conditions of their appointment. They did not demand payment of bonus from the management. They raised the issue of bonus before A.L.C. (C), Dhanbad on 1-7-85 and the management contended that the payment of Bonus Act is not applicable to them and that no dispute had been raised by the concerned workmen with the management and hence no industrial dispute had arisen. They have never demanded to be regularised nor have they put in number of years of continuous service as claimed by them. The management have never threatened them with retrenchment. They are not entitled to statutory bonus under the Payment of Bonus Act as the same is not applicable both to Badarpur Thermal Power Station and Coal Monitoring Cell, Dhanbad. The management has never resorted to unfair labour practice as alleged. In the circumstances, the management have prayed that the instant reference case be dismissed.

3. The case of the concerned workman, briefly stated, is as follows :

National Thermal Power Corporation, Badarpur Division, New Delhi has an office in Housing Colony of the Government of Bihar at Dhanbad and it is called Coal Monitoring Cell. This office is headed by an Officer of the rank of Deputy Manager (Engineer). The purpose of this office is to despatch coal from different collieries of M/s. B.C.C. Ltd. M/s. C.C. Ltd etc. to New Delhi for use in the Badarpur Division. The concerned workmen have to see that the loading of wagons from the collieries are despatched, and, therefore, they hold the post of Leading Supervisor. Except for the workmen listed in serial Nos. 5, 10 and 15 who were appointed in 1984 the rest of the workmen mentioned in the Annexure have been working since 1982. The management have been deducting provident fund contribution from all of them. Their educational qualifications are matriculates, I.A., B.A. and B.Com. From their place of posting they are required to prepare coal loading report signed by the colliery official as consignee; they as representatives of the consignee i.e. N.T.P.C. Badarpur Division, New Delhi, sign the coal loading report. All of them have completed 240 days of continuous service in a year and they, therefore, attained the status of permanent employee of N.T.P.C. Badarpur Division, New Delhi. They demanded payment of

ground that the Coal Monitoring Cell of Badarpur Division of N.T.P.C. is a separate establishment. But the plea of the management was not accepted by the Conciliation Officer. They also demanded regularisation in their jobs since they had put in quite a number of years of continuous service. The management threatened therewith retrenchment for which industrial dispute was raised. At the conciliation stage it was conceded by the management that in the near future the management did not contemplate to retrench the workmen. But the management have adopted delaying tactic in the matter of regularisation and payment of bonus. The action of the management in denying this benefit is glaring instance of unfair labour practice and vindictiveness. They are being treated as labourers and are paid daily wages as prescribed in the Minimum Wages Act. In the collieries where they are deployed for duty there are leading supervisor who are put in the scale of Coal India Ltd. and drawing their salary which is much more than what they get. Both the N.T.P.C. and Coal India Ltd. are Government concern hence the treatment meted out to them by the management is a pure act of discrimination. They are entitled to get bonus from the management and so the action of the management of Badarpur Lower Plant of N.T.P.C. New Delhi in denying statutory bonus to them is not justified.

4. In the rejoinder to the written statement of the management, the concerned workmen have stated that Coal Monitoring Cell located at Dhanbad is a part and parcel of Badarpur Thermal Power Station and is, therefore, not a separate establishment. Since they have put in more than 240 days of service in each year, they shall be deemed to be permanent workmen under the provision of the Industrial Disputes Act and they are also entitled to bonus, permanent scale etc. which have been denied to them.

5. The management has laid in evidence a number of documents which have been marked Exts. M-1 to M-1/11, M-2 and M-3 and examined one witness, namely, V. N. Upadhyay, Incharge of Coal Monitoring Cell at Dhanbad in support of their action in denying statutory bonus to the concerned workmen.

The concerned workmen have introduced in evidence a number of documents which have been marked Exts. W-1 to W-11/3 and examined one of the concerned workmen, namely, S. N. Mishra in support of their claim.

6. Sri S. Pal, Advocate, appearing for the management has submitted that the concerned workmen have claimed for permanent status in service, regularisation in service besides bonus in the written statement. But their claim for permanent status in service and regularisation in service do not fall within the ambit of present reference. He has further submitted that the present reference is whether the action of the management is justified in denying statutory bonus to the concerned workmen and this Tribunal has got no jurisdiction to travel beyond the terms of reference. He has contended that the concerned workmen are not the employees of N.T.P.C. and hence their claim against the Corporation is not justified. He has also contended that the N.T.P.C. has been managing by Badarpur Thermal Power Station in terms of an agreement between it and the Union of India and that the Union of India is the sole owner of the Badarpur Thermal Power Station and so the claim of the concerned workmen against National Thermal Power Corporation Ltd. is not tenable. He has urged before me that the Coal Monitoring Cell is an unit of Badarpur Thermal Power Station which is owned by the Union of India and so the provision of Payment of Bonus Act is not applicable to the case of the concerned workmen. According to him the present reference should be answered in favour of the management.

7. Sri J. P. Singh, Advocate, appearing for the concerned workmen has submitted before me that the concerned workmen, by dint of their continuous service, have become permanent workmen and so they are entitled to bonus either statutory or ex-gratia. He has further submitted that the workmen who raised the dispute have complained about bonus being denied to them while other workmen of Badarpur Thermal Power Project, New Delhi are being paid bonus by way of ex-gratia bonus. He has urged before me that this Tribunal has got ample jurisdiction to direct the management to

8. In order to appreciate the controversy raised in this reference it is once again desirable to look into the terms of reference to understand the true import thereof. The terms of reference is as follows :—

“Whether the action of the management of Badarpur Power Plant, New Delhi in denying statutory Bonus to Shri Ramdeo Singh, Loading Supervisor and 16 others (Annexure) working in Coal Monitoring Cell, Dhanbad is justified? If not to what relief the workmen are entitled?”

Thus it is seen that this Tribunal has to adjudicate as to whether the action of the management of Badarpur Power Plant, in New Delhi and not National Thermal Power Corporation, in denying statutory bonus to the workmen listed in the reference is justified or not. The concerned workmen, in their written statement, have stated that National Thermal Power Corporation Ltd., Badarpur Division, New Delhi, has an office in the Housing Board Colony of Government of Bihar at Dhanbad and it is called Coal Monitoring Cell. They have further stated that the purpose of this office is to despatch coal from different collieries of M/s. BCCL, M/s. C.C. Ltd. to New Delhi for use in Badarpur Division and they have to see that the loading of wagons from the collieries are despatched. By implication the concerned workmen mean that they are workmen of Coal Monitoring Cell at Dhanbad of N.T.P.C. Badarpur Division, New Delhi. WW-1 S. N. Misra is one of the concerned workmen. He has stated in his deposition that their office is styled as Coal Monitoring Cell of National Thermal Power Corporation (N.T.P.C.). The management has stated in its written statement that the Coal Monitoring Cell had been set up at Dhanbad in pursuance of an agreement dated 7-2-85 between the National Thermal Power Corporation Ltd. and M/s. B.C.C. Ltd. for joint inspection of coal at the colliery and that the concerned workmen are not entitled to statutory bonus under the Payment of Bonus Act as the same is not applicable both at Badarpur Thermal Power Station and the Coal Monitoring Cell at Dhanbad. The further case of the management is that Badarpur Thermal Power Station is being managed by National Thermal Power Corporation Ltd. for and on behalf of the Union of India by an agreement dated 2-4-87 between Government of India and National Thermal Power Corporation and that no statutory bonus is payable to the employees as far as Badarpur Thermal Power Station and Coal Monitoring Cell at Dhanbad are concerned in view of the provision of Payment of Bonus Act. Thus, it is evidenced that the case of the management is that the concerned workmen of Coal Monitoring Cell at Dhanbad are not employees of N.T.P.C. This position has been accepted by the concerned workmen in their rejoinder to the written statement of the management. They have stated therein that the Coal Monitoring Cell located at Dhanbad is a part and parcel of Badarpur Thermal Power Station and that Coal Monitoring Cell is not a separate establishment. This being so, it can be safely concluded that the Coal Monitoring Cell at Dhanbad is a part and parcel of Badarpur Thermal Power Station and not that of National Thermal Power Corporation Ltd. This position is evidenced from the agreement for the management of Badarpur Thermal Power Station and Badarpur Thermal Power Project dated 12-4-1978 (Ext. M-1). The agreement envisages—

“The Government of India had constructed, commissioned and have been running the Badarpur Thermal Power Station, New Delhi (hereinafter referred to as ‘Station Stage I’) consisting of three units of 100 MW comprising fixed assets and other properties as described in the first Schedule hereunder written ;

Whereas the Government of India are also constructing Stage II of Badarpur Thermal Power Project (hereinafter referred to as ‘Project Stage II’) consisting of one unit of 210 MW rated capacity, which is expected to be commissioned during April 1978, comprising plant and machinery under installation and other assets and properties and the residuary work of construction as on 31-3-1978 described in the Second Schedule hereunder written and

Whereas the Government of India have also approved in 1978 the construction of Stage III of Project (hereinafter referred to as ‘Project Stage III’) of rated capacity of 210 KW at an estimated cost of

Rs. 6369.09 lakhs, as per the sanction issued by the Department of Power No. 11(13)/77-BTPCB dated 18th March, 1978 annexed as Third Schedule to this Agreement. (The Project Stage II and III after commissioning will be termed as ‘Station Stage II’ and ‘Station Stage III’ respectively).

Whereas the Government of India have decided to entrust the management of the aforesaid three units viz. Station Stage I, Project Stage II and Project Stage III to NTPC with effect from 1-4-1978 and the NTPC has agreed to manage the operations and maintenance of the aforesaid Station Stage I, the construction of ‘Project Stage II’ and ‘Project Stage III’ in accordance with the sanctions given by Government of India and the Project Reports approved by the Government of India, to commission the projects and after commissioning, to operate and maintain efficiently the ‘Station Stage II’ and ‘Station Stage III’ on behalf of the Government of India; and accordingly the Government of India has on the first day of April 1978 put NTPC in possession of all the properties described in the first and second Schedules and all records and documents necessary for proper accounting of payments and receipts on mercantile basis on the following terms and conditions :

NO THIS AGREEMENT WITNESSETH AS FOLLOWS :

1. In consideration of the remuneration hereby reserved and all the covenants and conditions on the part of the NTPC hereinafter contained, the Government of India appoint NTPC their Manager and Agent for the purposes of maintenance, management and operations of ‘Station Stage I’ and construction, commissioning and, thereafter maintenance, management and operation of ‘Station Stage II’ and ‘Station Stage III’ as hereinafter recited and subject to terms and conditions hereinafter contained.”

It further appears from this agreement that is consideration of the management the N.T.P.C. is to get a management fee from the Government of India as mentioned in Clause 6(f) of the agreement. So, the inescapable conclusion is reached that the Union of India is the owner of Badarpur Thermal Power Station and Badarpur Thermal Power Project and N.T.P.C. is only a manager thereof.

9. It is the irrefragable position from the pleadings and evidence that Coal Monitoring Cell is a part and parcel of Badarpur Thermal Power Station which is owned by the Union of India. In the circumstances it comes to the fore of my consideration as to whether the concerned workmen who are employees of Badarpur Thermal Power Station are entitled to statutory bonus.

10. Shri Pal has pointed out the provisions of Section 32(iv) of the Payment of Bonus Act and contended that the provision of this Act is not applicable to employees employed by an establishment engaged in an industry carried on by or under the authority of any Department of Central Government or State Government or local Authority. Indeed the provision is so and since Badarpur Thermal Power Station is operated by and under the authority of the Department of Power, Ministry of Energy, Government of India, the concerned workmen who are employees of Badarpur Thermal Power Station is not entitled to statutory bonus. Sri Pal has contended that provision of Bonus Act is not applicable to the concerned workmen since they are in a separate establishment having employees less than 20 in number and in support of this contention he has cited the provision of Section 1(3)(b) of the Payment of Bonus Act. The provision of Section 1(3)(b) envisages that the Act shall apply to—

(a) and

(b) every other establishment in which twenty or more persons are employed on any day during an accounting year.

There is nothing in evidence to indicate that Coal Monitoring Cell at Dhanbad employs or employed 20 or more persons at any day during an accounting year. On the other hand, the facts of reference and the written statement of the concerned workmen are indicative of the fact that the Coal Monitoring Cell at Dhanbad employs only 17 workmen. That being so en-face it appears that the provision of the Bonus Act is not applicable to the concerned workmen. But it has not been established by evidence that Coal Monitoring Cell is a separate establishment of Badarpur Thermal Power Project. Section 3 of the Payment of Bonus Act envisages that where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or in different places, all such departments or undertakings or branches shall be treated as parts of the same establishment for the purpose of computation of bonus under this Act. This being the position the Coal Monitoring Cell at Dhanbad shall be regarded as a part and parcel of the establishment of Badarpur Thermal Power Station. However, this conclusion is of little help to the concerned workmen since they are not entitled to statutory bonus, as I have held before, under the provisions of Payment of Bonus Act.

11. It appears that the concerned workmen have adumbrated various demands in their written statement, such as, regularisation in service, permanency, scale of pay etc. But these demands are well outside the ambit of the present reference and this Tribunal cannot travel beyond the reference and adjudicate upon these issues.

12. The parties have laid evidence in support of their respective claim on joint inspection etc. But all these issues are not relevant for discussion in terms of the present reference and in the context of facts and circumstances of the case.

13. It appears from the evidence of MW-1 V. N. Upadhyay, Incharge of Coal Monitoring Cell, Dhanbad that ex-gratia grants have been made available to workers under Badarpur Division as per rules. It appears from the evidence of WW 1 S. N. Misra, one of the concerned workmen, that employees of M/s. B.C.C. Ltd and M/s. C.C. Ltd. get bonus from their respective employers and even the Railway employees get bonus from their employer. It remains incomprehensible to me why the concerned workmen are being denied ex-gratia grant while the workers of Badarpur Division are getting the same as per rules. The management of Badarpur Thermal Power Station may in its wisdom should decide the issue in order to bring amity and harmony in relationship of employer and employees.

14. The result is that the action of the management in denying the statutory bonus to the concerned is justified.

Accordingly,

I pass the following award—

That the action of the management of Badarpur Power Plant, New Delhi in denying statutory Bonus to the concerned workmen is justified. But the management may consider the matter of paying ex-gratia grant to the concerned workmen in the light of my observation in the body of the award.

In the circumstances of the case the parties are to bear their own costs.

S. K. MITRA, Presiding Officer

[No. L-42011/1/86-D.II (B)]

नई दिल्ली 19 फरवरी 1988

का. आ. 654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेट्रल वाटर कमीशन जम्मू के प्रबंधन में सम्बन्धित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

चन्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8 फरवरी को प्राप्त हुआ था।

New Delhi, the 19th February, 1988

S.O. 654.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Water Commission, Jammu and their workmen, which was received by the Central Government on 8th February, 1988.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 1/87

PARTIES :

Employers in relation to the management of Central
Water Commission,

AND

Their workman—Shankar Dass Khalasi.

APPEARANCES :

For the workman—Shri O. P. Batra.

For the management—Shri Vipal Gupta.

AWARD

Dated : 1-2-1988

Central Government vide Gazette notification No. L-42012/36/85-D.II(B) dated 7th January, 1987 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following industrial dispute to this Tribunal for decision :

“Whether the action of the Executive Engineer Chenab Investigating Division, Central Water Commission, Jammu in terminating the services of Shri Shankar Dass Khalasi w.e.f. 23-11-1984 is legal and justified? If not, to what relief is the workman entitled?”

2. The case of the workman is that he was employed as Khalasi on work charged basis by the management in the year 1964. That he remained in service till 1984. That workman was transferred on 10-10-1984 from Chenab Sub-Division No. 1 Jammu to Chenab Sub-Division III to join at the site by 15-10-1984. That transfer order being from one State to another State workman requested for grant of advance T.A. and D.A. vide application dated 12-10-1984. That the same was not allowed. That on 16-10-1984 the workman proceeded on leave. That services of the workman were terminated w.e.f. 23-11-1984 without any notice or retrenchment compensation to the workman. That termination order was served on the workman on 15-12-1984. So he prayed that the termination is void and he be reinstated in service with back wages.

3. The management in their reply alleged that workman was appointed on 16-5-1965 as khalasi and was posted at site tillar. That he continued to work at the site till March, 1983. He indulged in undesirable activities. That he was transferred in March, 1983 to Sela site. He remained there up to 16-4-1984. That he brought political pressure on the authorities for his transfer. That at his request he was transferred to site Tandi (Kullu) vide order dated 10-10-1984. That workman never joined at that place and remained absent. That his services were terminated w.e.f. 23-11-1984. That workman was told that as per rules he can claim one month pay and allowances in lieu of notice period. That termination of services of workman does not amount to retrenchment.

4. Both the parties placed affidavits and documents in support of their allegation. Mr. Vipal Gupta MW-1 admitted that no charge sheet was given to the workman nor any inquiry was held before terminating the services of the workman. From his statement it is evident that workman had completed 240 days of service and his services were terminated without any notice or retrenchment compensation.

5. At the stage of argument case was tried to be set up that present reference does not lie as Central Water Commission i.e. respondent is not an industry. This point I am of the view respondent, cannot raise now as it was not taken up in the written reply. Nor this point was sought to be raised after making amendment in the petition. To find out whether respdt. is an industry or not, the nature of work done by respdt. is very necessary on which aspect no evidence could be adduced for want of plea. In Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others 1978 L.L.C. 467, their Lordships of the Supreme Court laid down certain guidelines to find out as to what is an industry. The same are as under :

"Industry" as defined in S. 2(j) has a wide import.

"Where there is (i) systematic activity, (ii) organised by co-operation between employer and employee (the direct and substantial element is chimerical), (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making, on a large scale, prasad or food), prima facie, there is an "industry" in that enterprise.

"Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.

"The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations."

"If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking."

6. Their Lordships in this judgement in para 135 with respect to research institution came to the conclusion as under :

"Research benefits industry. Even though a research institute may be a separate entity disconnected from the many industries which funded the institute itself, it can be regarded as an organisation, propelled by systematic activity, modelled on co-operation between employer and employee and calculated to throw up discoveries and inventions and useful solutions which benefit individual industries and the nation in terms of goods and services and wealth. It follows that research institutes, albeit run without profit-motive, are industries".

7. Perusal of the above shows that research institute even if they are separate from the main industry will be termed as industry. So I hold that in the present case respondent is an industry. Petitioner is workman. As his services were terminated without any notice or retrenchment compensation so his termination is void. He is liable to be reinstated in service with back wages. In any way reference is answered in favour of the workman and against the management.

Chandigarh,

1-2-88.

M. K. BANSAL, Presiding Officer
[No. L-42012/36/85-D.II(B)]

का. आ. 655.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक व तार विभाग के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के रजिस्ट्रार को प्रकाशित करती है जो केन्द्रीय सरकार को 9 फरवरी, 1988 को प्राप्त हुआ था।

S.O. 655.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Post and Telegraph and their workmen, which was received by the Central Government on the 9th February, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 33/87

In the matter of dispute between :

Shri Jai Parkash Goel, 3087-A, Mohindra Park, Pani Bagh, Shakurbasti, Delhi.

Versus

The Asstt. Engineers Phones F.R.S., 56-58, Karol Bagh Exchange, New Delhi.

APPEARANCES :

Shri Pradeep Kumar—with the workman.

Shri S. Ramji with Shri J. K. Popli—for Management.

AWARD

The Central Government in the Ministry of Labour vide its order No. L-40012/47/85-D.II(B) dated 22nd April, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of Asstt. Engineer Phones, FRS, 56-58, Karol Bagh, Exchange, New Delhi in terminating the services of Shri Jai Parkash Goel daily rated Mazdoor w.o.f. 4-3-85 is justified? If not, to what relief the workman entitled to?"

2. As the matter is going to be decided on the basis of mutual settlement arrived at between the parties, it is not considered necessary to set forth in detail the various contentions of the parties. Suffice it to say that the workman filed his statement of claim dated 4-5-87/9 6-87 challenging the order of termination of his services and praying for reinstatement with continuity of service and with full back wages. The Management filed written statement dated 22-9-87 disputing the claim of the workman and the workman filed rejoinder dated 22-9-87. Today the parties have made a statement that they have arrived at a mutual settlement regarding the present dispute as a result of which the workman may be reinstated in service with all benefits of past service but without back wages and prayed that an award may be made in terms of the settlement.

3. In terms of the settlement arrived at between the parties, I hereby make the award that the workman shall be reinstated in service w.e.f. 8-2-88 (forenoon) with continuity of service alongwith consequential benefits but without any back wages. This reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

4th February, 1988.

G. S. KALRA, Presiding Officer
[No. L-40012/47/85-D.II(B)]

का. आ. 656.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल वाटर कमिशन, जम्मू के प्रबंधन में सम्बद्ध नियोजकों और उनके कार्किरों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नण्डीगढ़ के पंचाट को प्राप्ति करनी है जो केन्द्रीय सरकार को 8 फरवरी 1988 को प्राप्त हुआ था।

S.O. 656.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Water Commission, Jammu and their workmen, which was received in the Central Government on 8th February, 1988.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 2/87

PARTIES :

Employers in relation to the management of Central Water Commission,

AND

Their workman : Narayan Dass.

APPEARANCES :

For the workman—Shri O. P. Batia.

For the management—Shri Vipal Gupta.

AWARD

Dated : 1-2-1988

Central Government vide Gazette notification No. L-42012/39/85-D. II(B) dated 7th January, 1987 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following industrial dispute to this Tribunal for decision :

"Whether the action of the Executive Engineer Chenab investigating Division Central Water Commission, Jammu in terminating the services of Shri Narayan Dass Khalasi with effect from 23-11-1984 is legal and justified? If not, to what relief is the workman entitled?"

2. The case of the workman is that he remained in service of the respdt. for more than 20-1/2 years till September, 1982. That on 9-9-1982 he was transferred to Tandi. That he fell ill and he joined at Sub Division III Gandhi Nagar Kullu on 28-11-1983 after recovery from illness. That on 12-4-1984 workman applied for leave due to him. That A.L. CID III CWC Kalu sanctioned the leave. That his house was destroyed by floods. That workman due to shock fell ill. That he applied for extension of leave. That he received a letter whereby he was asked to join duty by 15-10-1984. That he could not join the duty being ill. That he was transferred to Tandi which is snow covered area and he could not join there. That his services were terminated. So he prayed that his termination is void.

3. The management in their reply alleged that workman joined service on 9-7-1964. That on 4-9-82 he was transferred from Tilar to Tandi. That he never reported for duty. He went on getting his leave extended on medical ground. That one month notice of termination dated

1-11-1983 was served on the workman. That workman approached the Respdt. for giving joining time. This request was allowed vide letter dated 26-11-1985. That he joined duty at Kullu but went on leave w.e.f. 11-4-1984 and started getting his leave extended. That a notice was served on the workman to the effect that if he will not join duty his services would be terminated in the interest of Government work. That workman never joined. So his services were terminated w.e.f. 23-11-1984. That workman was allowed one month pay and notice in lieu of notice period. That workman was allowed various opportunity to join duty but he failed to join which amount to disobedience of the Government orders. That there was no alternative except to terminate his services in public interest. That termination of service does not amount to retrenchment because penalty was imposed upon him as a result of disciplinary action for disobeying the orders.

4. Both the parties placed affidavits and documents in support of their allegation. Mr. Vipal Gupta MW1 admitted that no charge sheet was given to the workman nor any inquiry was held before terminating the services of the workman. From his statement it is evident that workman had completed 240 days of service and his services were terminated without any notice or retrenchment compensation.

5. At the stage of argument case was tried to be set up that present reference does not lie as Central Water Commission i.e. respondent is not an industry. This point I am of the view respdt. can not raise now as it was not taken up in the written reply. Nor this point was sought to be raised after making amendment in the petition. To find out whether respdt. is an industry or not the nature of duties or work done by respdt. is very necessary on which aspect no evidence could be adduced for want of plea. In Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others 1978 IIC 467, their Lordships of the Supreme Court laid down certain guidelines to find out as to what is an industry. The same are as under :

"Industry" as defined in S. 2(j) has a wide import. "Where there is (i) systematic activity, (ii) organised by co-operation between employer and employee (the direct and substantial element is chimerical), (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making or a large scale, prasad or food), prima facie, there is an "Industry" in that enterprise.

"Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.

"The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations."

"If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking"

6. Their Lordships in this judgement in para 135 with respect to research institution came to the conclusion as under:

"Research benefits industry. Even though a research institute may be a separate entity disconnected from the many industries which funded the institute itself, it can be degraded as an organisation. Promoted by systematic activity, modelled on co-operation between employer and employee and calculated to throw up discoveries and inventions and useful solutions which benefit individual industries and the nation in terms of goods and services and wealth. It follows the research institutions albe it run without profit-motive, are industries."

7. Perusal of the above shows that research institute even if they are separate from the main industry will be termed as industry. So I hold that in the present case respondent is an industry. Petitioner is workman. As his services

were terminated without any notice or retrenchment compensation so his termination is void. He is liable to be reinstated in service with back wages. In a way reference is answered in favour of the workman and against the management.

Chandigarh,

1-2-1988.

M. K. BANSAL, Presiding Officer
[No. L-42012/39/85-D II B)]

का. आ. 657—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेगरव डेय रिसर्च इंस्टीट्यूट कर्नाल के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-2-88 को प्राप्त हुआ था।

S.O. 657.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Dairy Research Institute, Karnal and their workmen, which was received by the Central Government on the 11-2-1988.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, CHANDIGARH

Case No. I.D. 95/87

PARTIES:

Employers in relation to the management of National Dairy Research Institute, Karnal.

Vs.

Their 104 workmen.

APPEARANCES:

For the workmen—Shri L. R. Kashyap.

For the management—Shri Mai Lal.

AWARD

Dated : 4-2-1988

Central Government vide Gazette notification No. L-42011 20/85-D II(B) dated 20th October, 1987 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for decision:

“Whether the discontinuance of employment of 104 employees by the management of NDRI, Karnal is legal and justified? If not, to what relief are the workmen entitled to?”

2. Workmen filed their claims with respect of the above reference. On 4-2-1988 Shri L. R. Kashyap President of the workers Association placed a writing on the file. In the same he alleged that according to his information all the workers have been made regular. It was further alleged that workmen are not pressing the demand because reference is defective. In view of the above present reference is returned being not pressed and as such reference is answered against the workmen.

Chandigarh,

4-2-1988

M. K. BANSAL, Presiding Officer
[No. L-42011/20/85-D.II(B)]

का. आ. 658—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.ए.ओ. (सी.ओ.एफ.एम. ओ. डब्ल्यू) भारतीय रेलवे निलक ब्रिज, नई दिल्ली के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 8 फरवरी 1988 को प्राप्त हुआ था।

S.O. 658.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure in the industrial dispute between the employers in relation to the management of C.A.O. / C.O.F.M.O.W., Indian Railway, Tilak Bridge, New Delhi and their workmen, which was received by the Central Government on 8th February, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DELHI

I.D. No. 19-87

In the matter of dispute between :

Shri Aklu Rai represented by Bhartiya Rail C.O.F.M.O.W. Mazdoor Sangh, 3239, Ajmeri Gate, Delhi through Shri Jugal Kishore, Secretary (Office) B.M.S.

Versus

The Management, C.A.O. COFMOW, Indian Railway, Tilak Bridge, New Delhi.

APPEARANCES.

Shri Jugal Kishore—for the workman.

Shri C. L. Vij with Shri Mahender Kumar—for Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41012/37/86-D. II(B) dated 19th March, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of General Secretary, Bhartiya Rail C.O.F.M.O.W. Mazdoor Sangh for reinstatement of Shri Aklu Rai, w.e.f. 18-6-85 with full back wages and continuity of service by the management of Central Organisation is justified? If so, to what relief the workman is entitled to and from what date?”

2. As the dispute is being decided on the basis of settlement, it is not considered necessary to set forth the various contentions of the parties in detail. Suffice it to say that the workman filed his statement of claim dated 24-4-87 and the claim of the workman was opposed by the Management vide its written statement dated 13-8-87.

3. Subsequently the parties arrived at mutual settlement and submitted a joint memorandum of agreement Ex. MW1 and prayed for making an award accordingly. In terms of the settlement it is directed that the workman shall be re-appointed as a casual messenger khalasi w.e.f. 28-1-88 and the workman shall not be paid any back wages. The period of absence of the workman shall be treated as absence due to his own violation as decision and the Management shall

confer benefits of the previous service for grant of temporary status to the workman subject to medical fitness. This reference stands disposed of accordingly.

28th. January, 1988.

G. S. KALRA, Presiding Presiding Officer

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

28th January, 1988.

G. S. KALRA, Presiding Officer

[No. L-41012/37/86-D. II(B)]

का आ. 659—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार, एयर इंडिया के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-2-88 को प्राप्त हुआ था।

[संख्या एल-11012/3/83-डो II(बी)]

हरी सिंह, डेस्क अधिकारी

S.O. 659.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 8-2-1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NEW DELHI

I. D. No. 240/83

In the matter of dispute between :

Smt B Majumdar, through The General Secretary, Air Corporation Employees Union, Malhotra Building, Top Floor, Janpath, New Delhi.

Versus

The Deputy Personnel Manager, Air India, M, Block Connaught Place, New Delhi.

APPEARANCES :

Shri K. L. Nair—for the workman.

Shri Jog Singh—for the Management.

AWARD

The Central Government, in the Ministry of Labour vide its Order No. L-11012(3)/83-D.II (B) dated 19th November, 1983 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Management of Air India, New Delhi, in denying continuity of service to Smt. B. Majumdar, Telephone Operator, with effect from 3-1-72 is justified? If not, to what relief is she entitled?"

2. Smt. Bineeta Majumdar hereinafter referred to as the ('workman') was initially appointed as a Telephone Operator on temporary basis w.e.f. 3-1-72 to 30-3-72 in the Commercial Branch at Delhi of Air India (hereinafter referred to as the Management) vide letter dated 3-1-72. Thereafter her services were terminated w.e.f. 30th March, 1972 vide letter dated 28-3-72. She was again appointed to the same post for a period from 3-4-72 to 30-3-72 vide letter dated 3-4-72.

Again her services were terminated and the process continued. However she continued to service the Management as a Telephone Operator within intermittent breaks. Ultimately she was confirmed in the post of Telephone Operator w.e.f. 1-11-75. The workman represented to the Management that she may be granted continuity of service and allowed 3 advance increments for her previous service between 1972 to 1975 but the Management did not accede to her request. Then her case was taken up by the Air Corporation Employees Union but without any success and ultimately it resulted in the present industrial dispute.

3. The case of the workman is that she has been continuously serving on the post since 3-1-72, against the permanent vacancy and artificial breaks were made in her service which was unfair labour practice on the part of the Management. Hence she has prayed that she may be declared to be continuously in service of the Management w.e.f. 3-1-72 and the date of annual increment may be fixed as 3rd of January every year effective from 3-1-73 and arrears of increments may be paid to her with other consequential benefits.

4. The Management has opposed the claim of the workman on the grounds that the workman was appointed purely on temporary basis with intermittent breaks and she was not employed on regular basis as she was not eligible for the post of Telephone Operator in view of over age. Moreover, the vacancy of Telephone Operator, New Delhi had been frozen on and her appointment could not be made on regular basis. The vacancy was de-frozen by the Dy. Managing Director (Commercial) vide letter dated 31-7-74/2-8-74 and after the vacancy was de-frozen steps were initiated for filling up the same on permanent basis and the workman applied for her appointment against said vacancy and although she was not eligible for the appointment due to her being over age as a special case the age requirement was waived and she was appointed on probationary basis w.e.f. 1-11-72. The workman accepted this offer of appointment on probationary basis without any reservation and consequently she is estopped from claiming continuity of service. The Management also objected that the reliefs of fixing of annual increment, error of increment and consequential benefits cannot be granted by this Tribunal in the present reference and that there is no valid and proper espousal of the dispute and consequently this Tribunal has no jurisdiction. It was further submitted that the Management employ thousands of employees and a certain number of employees are appointed on temporary basis due to exigencies of work or against leave vacancies and there are cases where such temporary appointees are appointed on regular basis after observing recruitment procedure and if relief is given to the workman in the present case, it would mean opening flood gates to litigation by such appointees.

5. The following issues were settled :

1. As per terms of reference.

2. Whether dispute is covered by section '2-A' I. D. Act and dispute referred is valid?

6. ISSUE NO. 2

This issue is not happily framed. The dispute is not covered under section 2-A of the I. D. Act because it does not relate to discharge, dismissal, retrenchment or termination of the services of the workman. However, the workman has placed on record letters dated 6-5-82, 14-6-82 and another letter dated 14-6-82 addressed by the Joint Secretary and General Secretary of the Air Corporation Employees Union to the Management and to the Assistant Labour Commissioner (Central) New Delhi which clearly go to show that the case of the workman has been espoused by the Union. It has now been shown that the said Union is not majority Union. Hence it is held that the dispute is covered by the definition of "Industrial Dispute" as given in section 2(k) and the reference is valid.

7. ISSUE NO. 1

On consideration of the entire facts and circumstances of this case, I am of the opinion that the Management has

objections taken by the Management are frivolous and without any basis. From the letters of appointment issued to the workman from time to time it is clear that there was a permanent vacancy of Telephone Operator against which the workman was appointed temporarily. It has been so recorded on the letters dated 8-4-72, 6-9-72, 28-9-72, 20-10-72 and 12-12-72 produced by the management itself. Moreover, the fact that the workman continued to be appointed against this post till her regular appointment further goes to show that the vacancy was of a permanent nature. It is, therefore, manifest that intermittent breaks were given in her service only to deprive her of the benefits which may accrue to her because of her continued employment and this amounted to an unfair labour practice on the part of the Management. The plea of the Management that the vacancy was earlier frozen and subsequently defrozen does not find any support from any documentary evidence. The averments in this regard made in the written statement are contradictory. At one stage it has been stated that the vacancy was defrozen by Deputy Managing Director (Commercial) vide letter dated 31-7-74/8-2-74 but subsequently it has been averred that the corporation could not fill up the vacancy earlier than February, 1976 due to the said vacancy being frozen. It may be asked as to why the vacancy could not be filled till February, 76 when the vacancy itself had been allegedly defrozen vide letter dated 31-7-74/8-2-74. It is inexplicable as to why a Telephone Operator continued to be appointed on a temporary basis even when the vacancy had been allegedly frozen. Even the letter dated 17-2-76 whereby the workman was given appointment on probationary basis appears to be only formal in nature because the appointment was made effective from 1-11-75. In other words out of the probationary period of six months over 3½ months had already been covered when this letter of appointment was issued. The plea of the Management that the workman could not have been appointed to this post because of her overage and that the management as a special case waived the age requirement is a self serving plea because there is no evidence

whatsoever that the workman had ever been told that she was not eligible because of her over age or that the workman had ever requested that the age requirement may be waived in her favour. The plea of the Management that the consequential reliefs of fixing of the date of increment and arrears of increments etc. cannot be granted is frivolous because these consequential benefits flow from the main terms of reference and once this Tribunal finds that the action of the Management in denying continuity of service to the workman was not justified, it can provide for those reliefs under the second clause of the terms of reference "if not to what relief is she entitled". The plea of the Management that if the workman is granted relief it would open flood gates of litigation is also frivolous because the workman cannot be denied her rights on the basis of such pleas. The plea of estoppel is also not available to the Management because the workman had at no stage surrendered her legal rights. Under the circumstances the action of the Management in denying continuity of service to the workman w.f. 3-1-72 is not justified. The workman had been serving the Management continuously from 3-1-72 and the intermittent breaks were artificial in nature and an act of unfair labour practice. Hence it is directed that the workman be treated as in continuous service from 3-1-72 and given all consequential benefits flowing therefrom in respect of increments seniority etc.

Dated : 28th January, 1988

G. S. KALRA, Presiding Officer

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer

[No. L-11012/3/83-D.II (B)]

HARI SINGH, Desk Officer

Dated : 28th January, 1988.